Ack.d acknowledge D May 23

25

J52449
R1244-8.

Mr. Budan

Legation Japan

April 16 1873

No 376.



From

C & D Long

Minister

Forwarding Japanese Passport.

No 375 Legation Japan

April 16th 1873

Sir

I have the honor to forward to you herewith copy of a Note received by me on the 14th inst. (Enclosure No 1) and also one of the Blank Passports I received therewith (Enclosure No 2) 1/375 2/375

I have the honor to remain

Sir

Your most obedient Servant

E. De Long

Hon

Hamilton Fish

Secretary of State

Washington D C

Copy of translation

Foreign Office

Tokei the 13th of the 4th Month

of the 6 year Meiji.

I have the honor to communicate your Excellency that the passport which is delivered to those who go to the Foreign Country for the purpose of studying several sciences or arts or transacting business etc has been amended

Two copies of a new style I beg to forward you enclosed and request you will inform your government of this.

With respect & consideration

Moayeno Kageneri

Hon

Chas Lodebourg.

Pres Ex & Min Plen

of USA in Japan

Actg his Second asst Minister

for Foreign Affairs

第　　號

日本帝國政府

何之誰

年齢
眼
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右ノ者故障ナク通行差許サレ已ヲ得ザル時ハ相當ノ保護有之度候也

日本外務卿

No.

TRANSLATION.	UEBERSETZUNG.	TRADUCTION.	此人望即放行無阻倘有患難量給保護
Name of person,	*Name des Passinhabers,*	*Nom de la Personne,*	
Registered at,	*Verzeichnet in,*	*Enregistré à,*	
Age,	*Alter,*	*Agé de,*	
Eyes,	*Augen,*	*Yeux,*	
Nose,	*Nase,*	*Nez,*	
Mouth,	*Mund,*	*Bouche,*	
Face,	*Gesicht,*	*Figure,*	
Complexion,	*Farbe,*	*Teint,*	
Stature,	*Gestalt,*	*Stature,*	
The undersigned requires and requests whom it may concern, to allow the above-named person travelling abroad, to pass freely without hinderance, and to give him such protection as he may be in need of.	Der Unterzeichnete, ersucht die betreffenden Behoerden, den Inhaber dieses Passes frei und ungehindert reisen, auch noethigenfalls ihm Schutz und Beistand angedeihen zu lassen.	Le sousigné prie les autorités compétentes et les requiert de laisser passer librement et sans entrave la personne ci-dessus mentionnée, qui voyage au dehors, et de lui donner telle protection dont elle aura besoin.	
(Sig.)	(Gez.)	(Sig.)	
Minister for Foreign Affairs of His Majesty the Emperorof Japan.	*Minister des Auswaertigen Seiner Majestaet des Kaisers von Japan.*	*Ministre des Affaires Etrangères de Sa Majesté l'Empereur du Japon.*	

Ack^d

No 376 U. S. Legation Japan

April 16th 1873

DEPARTMENT RECEIVED MAY 23 1873 OF STATE.

C. E. De Long.

U. S. Minister

Contents

Acknowledging receipt of dispatches

Nos 172 & 173 and also Circular No 30

No 376 U S Legation Japan

April 16th 1873

Sir

I have the honor to acknowledge the receipt by me on the 29th of March last of your dispatch No 172 of date January 24th 1873. also on the 12th of the present Month of your No 173 of date January. 24th and also Circular No 30.

I have the honor to call your attention to the great difference in time occupied by dispatches in reaching this Port whether sent by the way of San Francisco or Europe.

I have the honor to remain

Sir

Your most obedient Servant

C E De Long

Hon. Hamilton Fish

Secretary of State

Washington. D.C.

No 376.

Dated April 16th 1873

Acknowledging receipt of Despatches and Circular

Copy

No 377.

U. S. Legation, Japan,

Yokohama, April 20. 1873.

RECEIVED
JAN 29
1874
STATE

Mr DeLong

to the

Hon. Secretary of State.

Subject.

Encloses tea reports from Consuls Shepard and Turner.

Enclosures.

Report from C. O. Shepard.

" Daniel Turner.

No 377.

U. S. Legation, Japan.

Yokohama, April 20. 1873.

Sir:

Acknowledging the receipt of your instruction No 173, of date the 27th of January last, which failed to reach me until the 12th inst, I beg to state that immediately upon its receipt, I addressed a note to our Consular officers at Kanagawa, Kobi and Nagasaki, enclosing a copy of your No 173, and calling upon them for replies as to their ports.

Consul Shepard at once repli

Hon. Hamilton Fish,

&c. &c. &c.

replied, forwarding a very perfect and complete report for the port of Kanagawa. (Enc. 1.)

Consul Turner replied, forwarding only a published report of prices current for the month of April, 1873, (Enc. 2,) to which I have replied, advising him that his answer was unsatisfactory, and requesting him to prepare a report similar to the one sent up by Mr Shepard.

Mr Fisher's reply cannot reach me prior to the departure of this mail.

By the next steamer I hope to give you the full advices requested.

I have the honor to remain

Your most obt servant

(Sgd.) C. E. DeLong

No. 374. Enclosure 1.

Managua Tea Market Report.

Market closed firm and steady for Teas 4th Feb/60.

Grade	1871 Dec 23.	1872 Jan 23	1872 Feb 23.	1872 Mar. 23	1872 Apl. 23	1872 May 23	1872 June 23	1872 July 23	1872 Aug. 23	1872 Sept. 23	1872 Oct. 23	1872 Nov. 23	1872 Dec 23	1873 Jan. 23	1873 Feb 23	1873 Mar 23
Common	18@20	15@18	18@22	18@22	18@22		Nominal	Nominal	Nominal	25@28	Nominal	28@28	24@25	24@25	24@25	24@25
Medium	23@26	23@26	27@30	27@30	27@30		Nominal	32@34	28@32	32@35	29@33	30@34	32@36	33@37	33@37	32@35
Fine	35@40	35@40	None	None	None		40@43	48@48	38@43	41@45	41@45	40@44	40@44	42@45	43@46	43@46
Finest	43@48	None	None	None	None		45@50	46@50	44@48	46@50	46@50	45@50	45@48	46@50	47@50	47@50

Quotations in Mexican Dollars per Piul 133⅓ lbs.

No 377 Enclosure 2.

Extract from Hiogo and Osaca Prices Current and Market Report.

Export of tea from 1st June, 1872, to March, 1873. 5,492,795 lbs

For March 1873 2,500

" April (to 18th) 8,000

Extract of tea export for April 1873. Prices current.

Common	15 and 20
Good Common	22 and 26
Medium	30 and upwards
Good Medium	Nominal
Fine	"
Finest	"
Choice	"
Choicest	"

All

All quotations are in Mexican dollars.

Ent

Mr Borden

U.S. Legation Yokohama

Japan April 20th 1873.

No. 378

Hon

E. De Long

U.S. Minister



Contents

Forwarding account for Salary &
Contingent Expenses for the Quarter
Ending March 31st 1873. Giving notice
of Draft enclosing Vouchers &c

W Hayard
for Yamamoto etc

No 878 Legation Yokohama

Japan April 20th 1873.

Sir.

I have the honor to transmit herewith Account for Salary for quarter ending March 31st 1873. (Enclosure No 1) 1/548 and to advise you of my having drawn Drafts for amount due me as shown by Exchange Vouchers enclosed. (Enclosures Nos 2 & 3) 2&3/548

I also transmit Account for Contingent Expenses of this Legation for same quarter. (Enclosure No 4) 4/548 accompanied by Vouchers. (Enclosure No 5). I have not drawn for this 5/548 amount expended by me for Contingent Expenses. having exhausted the allowance for this purpose. I beg you to examine

Hon Hamilton Fish the

Secretary of State

Washington DC

the same and satisfy yourself that the
Expenditures are only such as I was
compelled to make to properly conduct
the business of this Legation

I beg you to observe that I have
made no charge for internal postage,
none for telegraphing, none for Messengers
or for any assistance in connection
with the business of this office although
for these purposes I have expended as
my account shows over $75.00 for the
quarter. The archives of this
Legation had none of them been bound
during the times of either Mr Pompe
Mr Portman or Mr Van Valkenburgh
They were in bundles exposed to loss
and frequently misplaced from former
examinations. These I have carefully
selected placed in order & had neatly
bound making in all forty five
volumes

volumes costing for binding one
dollar per volume. This item with
the vouchers I will enclose with my
next quarterly report

The expense for printing and for
newspapers is created by the notifications
which I have to give American Residents
of Japanese Laws. Regulations &c

This Government expects to publish
& sell in its own language. This entails
upon foreign representatives the necessity
of publishing in their own languages or
them of purchasing copies of the papers
to distribute to the different Consulates.

When the Court Regulations and
other lengthy documents are received
which we daily expect I shall either
have to omit publishing them or again
exceed in my expenditures for the quarter
the sum allowed me. Believing that
I shall

whilst you wish to keep the Contingent
Expences of this Legation under the
sum of four Hundred Dollars per annum
yet that you do not desire me in
order not to exceed that sum to fall
short of doing my whole duty. I will
hereafter as previously expend all sums
necessary and lay it to you after
an examination of my vouchers to
allow me such portion of my accounts
as you shall think be allowed.

I have the honor to remain

Sir

Your most obedient Servant

C E De Long

List of Enclosures

No 1. Salary account

No 2 Exchange Vouchers

No 3 Do

No 4. Contingent Expense Account-

No 5. Tuition Vouchers.

No

Showed not the substance to be made public [illegible]

Make a passage of for Schuyler & Clarke

(Dis'd) 3 June Mr Legation Yokohama

1 Ack't

Japan April 20 1873

No 379 Mr Bodan

DEPARTMENT RECEIVED MAY 23 1873 OF STATE.

Sirs

C & D. Sorg

Minister

Contents.

Further about the question of

religious toleration and the return

of banished native Christians

No 378 Delegation Yokohama

Japan April 20 1873

Sir.

A few days since Mr Oyeno Kagenori the present acting Minister for Foreign Affairs of this Empire visited me and during the course of our conversation upon different subjects he entered at length into an explanation of the commencement formed by his government relative to the Christian toleration question which places the matter in a little different light from what I have heretofore understood it.

He said that religious toleration had not been decreed; that the laws and edicts against christianity had not been abolished, but that all the liberal

Hon Hamilton Fish party

Secretary of State

Washington DC

Liberal party in the government – but thus
far have been able to obtain even the order
for the return of the banished Christians
& their homes and the removal of the
offensive proclamations against Christianity
but to you kept posted at street corners
and road crossings.

I then asked him if the law still
remained in force and the decrees
were removed from the sight of the
people if they would not be liable to
be misled and if so if they would
be punished. He replied that
when the proclamations were taken
down officers were dispatched to all
towns to inform the people that
notwithstanding this action the laws
still existed and must be obeyed.

I replied that this looked like
an effort to mislead and deceive

foreigners

Virginius

he replied that fearing that I would do
interpose this action he had entered upon
the explanation he was about to give.
That in the government Councils those
who wished to see religious toleration
deemed me still in a minority. That
the liberalists were however gaining ground
daily and their increased strength was
being marked step by step by such
reforms as from time to time they were
able to obtain. That he begged to assure
me that he had full faith in the time
being very short within which period
this party would obtain control and
all decrees against freedom of thought
upon all subjects would be abolished
but any attempt to force such reforms
any faster than they were now being
accomplished would certainly lead
to defeat. Thus he begged me to be

patient

patriot and place full confidence
in the eventual success of the party
of progress.

I thanked him cordially for his
candid and courteous explanations
assuring him of my unbounded
confidence in the skill and energy
of his party; that I had never of my
knowledge misstated to force any
conclusions upon the government
beyond an occasional expression of
my hopes that Japan would as soon
as possible step fairly and in all
respects upon a civilized platform.

He replied that I had never thrust
my views upon them unsought or
evidenced any impatience but that
he was convinced that I had not
fully understood the recent actions of
the government relative to the religious
questions

question; believing also that I had given this government credit for more than it really deserved he had sought this opportunity to make the real facts known to me and at the same time explain why greater reforms had not been accomplished.

From his Report I learned that the whole of the banished Christians had been returned to their homes and fully restored to all of their property.

I feel that this effort has given me a clear understanding of the status of this question and as it is most satisfactory to me I trust that it may so prove to be to you

I have the honor to remain

Sir

Your Most Obedient Servant

C E DeLong

U.S. Legation Japan

to Hon. J. C. Long Minister

No 379

Dated April 20th 1873

Further about the religious toleration question and the status of native Christians & their homes

Ack. 31 May

Copied

Recd

Legation Yokohama

Japan April 21st 1873

No 380

Gen

Ch de Long

Min Resident

DEPARTMENT OF STATE. RECEIVED MAY 29 1873

Contents

Instructions requested as to what protection shall be extended to American residents of the Bonin Islands.

FOREIGN Relations '74

No 380 Legation Yokohama

Japan April 21st 1873

Sir.

I have the honor to advise you that this morning I was called upon by one Capt Benjamin Peare, who stated to me that he was an American citizen resident at the Bonin Islands when he had resided for the last three years.

That he had come to me at the request of a large portion of the residents of that group to find out under what governmental protection the residents of that group of Islands are, if under any whatever.

In answer to my further enquiries he informed me that the group of islands commonly known and called the Bonin group is composed of three large islands

Hon Hamilton Fish named

Secretary of State

Washington D.C.

named. Pany. Bonin and Baily
and of a large number of unnamed
smaller islands.

That one Captain Beachy of H.B.M.
Ship of war Blossom took formal possession
of the Bonin group in 1828. by planting
a post on the land with a copper plate
on it engraved on which is the claim
of the British authorities to the island

That at the time Commodore Perry
visited Japan and entered into a treaty
with that people his fleet underwent
for a period at this group at which
time an American naval officer com-
manded of the Ship Plymouth of
that squadron took formal possession
in the name of the United States government
of Baily Island by hoisting an American
flag thereon and saluting it. That
the post and plate of the British and

the

flag of the American officers are still
there. That nine years ago the
Japanese Government made the Tycoon
send an officer with some sixty families
to the group and took formal possession
in the name of Japan. That this officer
took such lands as he desired from the
foreign residents giving them deeds leases
&c for the residue. That he summoned
all of the foreign residents and myself
them to sign a letter to the Tycoon thanking
him for the privilege of residing there
which they did. That this only lasted
for about fourteen months when
all of the Japanese were recalled
and none have since been there.

That on Bonin Island there is
are
Twenty four American residents Seventeen
British do. Four French do and a
number of Hawaiians making in all
Sixty.

sixty eight. that on Pany Island there is
one American and one Hawaiian resident
and on Baily Island One American and
one native of the Gilbert Islands.

That the group has an area of about
one hundred and fifty square miles. The
climate being very fine and the soil
wonderfully productive being specialy
well adapted to the raising of stock of
all kinds. The fisheries abundant
and the Harbor of Port Loyd as fine
and commodious as any in the world
having an inner Harbor so secure
that whale ships have frequently been
hove up there and repaired

That there is about Seventy Six
children between the ages of five and
sixteen living there wholly uneducated
as no one can be induced to locate

There

them and teach as the country is governed wholly by Lynch law.

That frequent disputes arise and no means of obtaining any redress for wrongs exist. That the Harbor of Port Lloyd is about four hundred and eighty miles from Yokohama and about four hundred from Kobe than it is situated nearer to this than any other open port in Japan. — Captain Peace further stated that the Japanese Commissioner when they formally declared the whole group open to foreign settlement and trade. That he (Captain Peace) was never about to proceed to Hawaii to send out a large stock of cattle but in common with the other merchants wished before embarking in any extensive business arrangements to learn

learn what laws they are subject to.

In reply I have advised the Captain that I would at once submit this enquiry to you for instructions; requesting to know if the United States government asserted any jurisdiction over or claim to the islands and if not if I should recognize the Japanese jurisdiction (if still asserted) and if so whether I should appoint Captain Pease or some other resident American Consular Agent for the United States.

I therefore respectfully submit this statement to you for your instructions in the premises.

I have the honor to remain

Sir

Your most obedient Servant

C. E. De Long

Ack - Contents appear to have been found & address sent

Ackd

May 25

Mr Burlingame

(Copied)

No Legation Yokohama

Japan April 21st 1873.

No 381

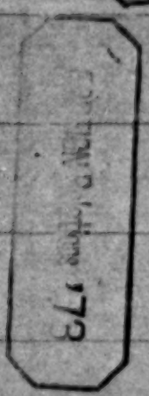
Sir

C C De Long

Minister

Contents.





Further relative to the negotiations pending between the Peruvian Legation and the Japanese Authorities

No 381 Legation of Yokohama

Japan April 21st 1873

Sir.

I have the honor to advise you that about twenty days since I received a private note from Senor Garcia y Garcia the Peruvian Minister requesting me to call upon him at his Legation in Yedo, which I did. Upon my arrival he informed me that he had concluded his statement of the case of the Maria Luz on behalf of his government and that he wished to read it to me and hear my views before he sent it in.

This he proceeded to do and I found it to be a most able and comprehensive document concluding however with a demand for indemnity on behalf of

Hon Hamilton Fish

the

Secretary of State

Washington DC

the owners of the barque and that a salute should be paid to the Peruvian flag. — I replied to the Ministers enquiries as to what I thought of it— I replied that I thought his argument exceedingly able and exhaustive, and also agreed that his claim for indemnity was a logical sequence but that I could not understand why he should demand a salute to be paid.

He replied that he felt called upon to demand something in behalf of his government as reparation for the outrage of the arrest of the vessel.

I replied that upon his arrival he and his whole Legation had been most cordially received by this government— in fact specially honored by being made for a number of days its guest by being quarted in the palace buildings

that

that at the very first official interview he had held with the Minister for Foreign Affairs that officer had hastened to assure him in the name of his government that in arresting the Maria Luz and releasing the Coolies the Japanese Authorities had not been actuated by any ill feeling towards Peru or by any desire to wound the honor of that nation but had been actuated solely by a desire to relieve suffering humanity: people of a neighbor treaty power who claiming to have been kidnapped were bound in slavery and asked to be restored to freedom.

That in my opinion such a courtly reception and such a voluntary assurance should be considered entirely sufficient upon the point of honor. That to press for further concessions and especially such as the Peruvian were to at once acknowledge

the

on his part that he had not received
satisfaction and if the Japanese were
to refuse to accord the salute it would
result in his being compelled to resort to
war or submit to an affront. That
the best friend of Perry could not conscien-
-ciously advise the Japanese to go
further or do more than had already been
done to appease ill feeling and therefore
that I would strongly advise him to
arrange his case so as to set forth
that the Japanese government having
so cordially welcomed the Perry ex-
-pedition and having so promptly
disclaimed all intention of giving
offence this was accepted as a
sufficient satisfaction by his government
to itself and he therefore contented himself
by asking a pecuniary indemnity to be
accorded to the private owners of the barque

The

the Minister very readily acknowledged the correctness of my views. and re-modelled his case accordingly or at least he so informed me he would do.

I soon afterwards called upon Mr Nyeno Kagenori second Assistant Minister for Foreign Affairs (and now in charge of the department) and advised him of what had transpired between the Peruvian Minister and myself substantially. I then asked him (as I had been requested by Senor Garcia to do) whether what time the reply might be expected. In reply he advised me that he had received private instructions from Mr Soyeshima prior to his departure to delay a reply until he returned from China

I expressed my regret at this stating that now as the thing was situated the heat of Summer prevailing and the case of the Maria Luz being reduced to a simple demand for

dollars

dollars and cents it would be easy to at-
adjust once ajust it by agreeing it to some
arbitrater if a disagreement was the
result of the negotiations and then by
giving Peru a treaty similar in all
respects to those existing between Japan
and other powers. The whole difficulty
would be at once ended in a manner
perfectly satisfactory to both and the
two countries be united in amicable
relations. Mr Negro replied that
Mr Soyeshima had also expressed himself
as opposed to entering into any more
new treaty giving extra territorial rights.

I replied that I feared that if Japan
should decline to enter into treaty relations
with Peru upon as favorable conditions
as she had with other powers that it
would be attributed to ill feeling and
be pregnant with future difficulties

Mr

that I would strongly advise the offer of a treaty similar to the others to be executable when the others were to be revised and if at that time Japan could for herself form the extra territorial provisions with other powers she could do so with Peru and if not it was certainly quite immaterial as there were no Peruvian residents in Japan and probably never would be any.

That in fact it must be desirable to this government to have its treaty relations with all foreign states as nearly similar as possible.

Mr Tyson respectfully acknowledged that he fully agreed with me and promised to at once write Mr Loyola fully explaining all that had been done and what I had advised and asking his permission for him to at once proceed and conclude this business. This he did and at the same time I addressed a separate note

to

to General De Gendre asking him to state my arguments to Mr Soyer Sharma.

Both Mr Myers and Senor Garcia have since conferred with me as to who I would suggest as an arbitrator provided they could not agree. I replied that it would be very easy for them to agree upon some prominent officer of some power not specially interested in the question

Mr Myers mentioned this case as being in favor of a reference to the diplomatic corps resident here. I replied that for one I would not under any circumstances have anything to do with it, as my opinions were fixed and I did not see how the British Minister could well do so, that if they could agree upon some other member of the Corps it would be very different.

An answer from Mr Soyer Sharma by telegraph is now daily expected

In

I remain most at Quebec

Trusting to your kind approval

I have the honor to remain

Sir

Your most obedient Servant

C E De Long

Mr Delegation Japan
to E. Fo Ling Minister

No 381

Dated April 21st 1873.

Report relative to the present condition of the negotiations pending between the Peruvian Legation and the Japanese Government about the Maria Luz. Case

Ack 12 June

Encl

Mr Bodan

Delegation Yokohama

Japan April 21st 1873

No 382

Secret

6 & D. Long

Minister

Contents.

Refusal of the Japanese Government to settle the demands of Messrs Schultze Reis & Co and Messrs Smith Baker & Co

No 382 Legation Yokohama

Japan April 21st 1873.

Sir.

I have the honor to inform you that in the month of September last immediately after receiving your instruction No 132 of date August the 18 22nd [1872] I called at the Foreign Office and complied therewith by stating to the Minister that I had received an instruction from you relative to the claims of Smith Baker & Co and also Shultze Reis & Co to the effect that you deemed the claims to be just and proper ones and that my "government looked with confidence to that "of His Imperial Majesty for an early "liquidation of them;" At the same time however I informed him that I

Hon Hamilton Fish

Secretary of State

Washington DC

op[eran]d

appears in the actions and officially.

The Minister thanked me and promised early consideration of the business. A few days afterwards the interpreter for the Foreign Office called upon me and informed me that the claims had been passed over to the Judicial Department for settlement and by that Department it was requested that I would supply it with a copy of the instructions which I had received from you. At first I hesitated about doing this but finally concluded that it was best to accord to the request and did so.

A great many times since then I have asked about the claims and been as constantly advised that no report had as yet been received from the Judicial department and thus the affair dragged its self along until the 14th inst when I

I received a Note from Mr Wynne Hayenni
(Enclosure No 1) offering to settle the demands 1/582
accompanied by a copy of the report
made thereon by the Judicial Department
(Translation thereof Enclosure No 2) 2/582

A day or two after receiving this I
met the Minister upon other business and
during my interview I remarked that I
was greatly surprised that a trial of these
causes had been going on for months and
none of the claimants had been notified
or allowed to furnish any evidence, and
that I myself had been kept in profound
ignorance of the fact. That this was an
unprecedented system of one sided adjudication
entirely in conflict with his Advices to me
as to the manner in which claims should
hereafter be adjudicated and the parties
in interest were heard in their declarations
of disattisfaction. He replied that he

dissapproved

disapproved of the manner in which the trial had been conducted and would inquire into it and let me know the reasons given. — He also said that if I would look over the record and point out the errors apparent to me he would if I required it order another investigation and such witnesses as I deemed called and examined.

I thanked him but replied that I had been by my instructions restricted to unofficial action and I felt unwilling to proceed further than I had done without first receiving other instructions. I therefore remand this matter again to you and await further advices.

In conclusion however I beg to remark, that it seems very strange that this fraud could have been so successfully conducted

conducted as to have deceived leading
Japanese merchants at the place
familiar with all of the requirements
of Japanese Law. That none of the
claimants witnesses were called whilst
all of the conspirators were examined
and full credit seems to have been attached
to all of their evidence. The neglect
to bring about not calling the officers of Seals
the Custom House officials and officers of
Police to whom claimants aver that they
referred for an attestation of the seals
is significant. When I presented
this claim at the Foreign office Mr E
Pelham Smith spoke very strongly
against them and made use of quite
severe language against the author
of my instructions, whether he has had
any connection with the examination
in causing the delay that has occurred

I

I do not know but it is quite probable that he has called their attention closely to the fact that I could not act in the matter officialy as I have rarely ever before had business in my hands tinted with like this

The claimants are very loud in their assertions of blame, as they say that for over a year they have been kept out of their money and so far denied any hearing to enable them to prove their case.

I have the honor to remain

Sir

Your most obedient Servant

C C D Long

List of Enclosures

No 1. Letter from Minister for Foreign Affairs

No 2. Report from Judicial Department

Copy

Department for Foreign Affairs

Mexico 13th 4th month 6th year

of Mexico.

Sirs

In reference to non-payment of the debt for the articles purchased by Gamaska Bros of the late Fodo Hall, and four others, from two American firms Messrs Schultz Reid and Messrs Smith Bates, the claim was brought before the Government of Oaxaca, and the Judgement was there given by the Tribunal of Oaxaca. but the Plaintiffs not being satisfied with the decision, you have requested enclosing the documents forwarded by your Government by the Consul at Oaxaca, that

that the re examination should
be made. I thereupon have
communicated the proper
authorities about the same
and from the minute re-
investigation it is plain that
the said Samoora Gro was
not an officer of Yodo Han
but a scholar staying at
Osaca, at that time who
has bought bad and the other
articles amounting to 18200
Rios pretending to have been
the use of the Han. on condition
that payments will be made
in instalments, which was
not fulfilled. It is certain that
he transacted business only for
his own sake and there is
no

as seem that the debt should
be borne by the late Yedo Han.

The Tribunal of the
Judicial Department has
decided this case as per the
accompanying document, from
which I beg you will fully
understand the facts

With respect and consideration

Mozaru Kazunori.

Secret asst Minister for
Foreign Affairs

To

Hon. E. Falkenburg

U.S. Min. &c &c

Envoy Extraordinary &c &c

Minister Plenipotentiary

of the United States

W.D.

Translation of Evidence

Plaintiffs, Schultz Reis & Co ——
and Smith Baker & Co ——
American resident
merchants of Kobe.

Defendants, Matsuoo, ——————
defendant of the
Hyōgo Han.

name. Tamaoka Goro ——
vouched for by
Tamaoka Keiko.

with. Awoki Shunki ——
(unconvicted)
residing at Ryōkoku machi
Sakuya Machi Kiōto.

and Likuyo Motoichi ——
residing at Fuma Machi, Osaca.

and Oya Ichizemon. ——
residing at Kwai bashi —
Sanchome, Osaca. ——

in which, Zenuya Yashiki
residing at Dojima —
Ohrai machi Osaca
was implicated.

Cause. —— Unpaid loan of Lead
and other articles. —

During the 9th month of the second year of Meiji, Goro went to Osaca, for European study.

At one time while there, he was employed in the Mining Department, as well as the Kinsats Department of the Mint. but received his discharge from both offices. After this, he made the acquaintance of Fushita and Shonoki who entered into a plan of Goro's for starting a business. with capital to be obtained from foreigners. He rented a house near the Hodo Head quarters, and Shonoki took apartments with him. Unable to become security themselves, on account of their reduced circumstances, they assumed the name and title of Treasurer of

the Gods Name, and
plotted to obtain money
in this disguise.-
Hoshibeh persuaded Motosuke
to enter the league, after an
explanation of the proposed
plan. A (so-called)
Broker, obtained the aid
of several others, and
during the 10th month, went
to the office of Schnell & Co's
& Co. at Kobe, to negotiate
a loan. Having no one
to act as Guarantor, Hoshibe
requested Ishigenmi to assume
this part. by lending his seal
to the enterprise.
Ishigenmi was not informed
of the intended cheat, and
thus believing the transaction
to be an honest one, readily
agreed to the proposition.-

He went to Kobe, and while there, endeavoring to purchase bad no information of the whereabouts of the others. was joined by Goto, and the other parties, whereupon, a plan was laid.

See Goto's testimony
(Exhibit No 1)

Preparatory to closing the contract about concluded, - Motosichi and Ichijemon gave impressions of their seals to the Plaintiffs, which a clerk of Schultz Reis & Co. named Imaichi Tokujiro, and another, took to the Mint, wherein the two Securities bore, and ascertained at the office of the Police, that the seals were true ones. -
Shimuki was then called upon, in Goto's absence, and approved the contract.

Johnson

thinking it to be fair and
honest. Tokujiro then without
calling at the Lords House
returned to Kobe, and upted
to his Masters.

See testimony of Kahei
and Tokujiro.

(Enclosures Nos 2 & 3)

An agreement was then drawn
up. and Shimki went to Kobe,
where on the 10th instant at
the office of Schultze Reis & Co
he with Goro, Hoshibi, —
Motosiaki and Tokigawa,
made & concluded the contract
with Beucke, Schultz Reis
Neos Representative, —
stipulating for the sale, and
purchase of 126,000 lbs of
lead valued at 10,100 Yens
payable in 180 days.

(See Enclosure No 4)

Short Bond was handed to
Schultz Reis & Co, the

the lead all delivered and received, when Goro returned to Osaca.

After this, Shomoki, taking the part of leader, went with Grobet and others to Smith Baker & Co's offices, in the same deceitful manner, bargained for a purchase of tea and other articles, to the value of $8,100. revs stipulating for future payments.

When the contract was about concluded, Goro came the second time to Robe, and met Kanzo (true name, Ichida Kambei) a clerk of Smith Baker & Co. to whom was shown the seals, who desiring to send them to Osaca for verification, and being to busy with other matters to go himself thither, persuaded

persuaded Sinki and
Richibei, clerks of Gosei
Goichi. a resident merchant
of Osaca, in Suigosi bashi
San cho mei, to do this business
for him, and they ascertained
from the Keeper of Seals at
the Police office in Osaca,
that said seals were true
ones. - They then started
to ascertain the character of
Goro, and learned from
Takahashi Kaisaku of the
Gods Hall office, that, Goro,
although a Gods Hall man,
was not Yamabushi; as he
called himself, and, that,
Shimizki although living
with Goro, was not even
a Gods Hall man, -
Richibei then returned to
Kobe, and told these facts
to

to Kaubei who was very much startled, and at once reported what he had heard to Morse. - Morse thought it strange, and at once went over to Schultz Reis Hoo's office, but returning immediately, seemed to be satisfied ifs the correctness of the parties, and finally the mentioned articles were sold, and promissory note taken.

See testimony of Jonowsiche, Kaubei, Iniski and Kishibi

(Enclosures 5, 6, 7 & 8)

On the 21st day of the same month, Hoo with others entered into a contract at Smith Baker & Co's office. similar to the former one referred to.

(See Enclosure No 9) for

for which, tea, cotton and
gowa were received.

The 12 6000 lbs of Cod, -
received from Schultze Reis
& Co, with the assistance of
Takamuraza Kahei, a
former clerk with Smith
Baker & Co (his present
wholesale merchant) was
sold for the nett sum of
-/0 56. rds -

The tea, cotton, and gowa, were
put into the hands of -
Daikokuya Kihei of Osaca
Minoto cho, and Omiya
Shasitaro of Yoshiem, Sagawa
Ihra (interpreters) for
sale, and offered to Lucas
an Englishman at Kobe,
for 3380 rds, who paid
500 rds advance money.
of which, Shasitaro received
200 rds, and Kihei 300 rds
them

(they then disappeared.-)

Goto and the others, thinking they should lose too much by a sale at these figures, paid 300 ryos to Lucas, to break the contract, and received back the goods, which were then sold, netting 4 323 ryos 2/4 boos. The two sums put together, amounted to 11, 379 ryos and 2/4 boos.

(For statement of the way in which this money was divided, see Enclosure No 10)

After these transactions, it became known to the Hodo Han office, that Goto had in the Han name, cheated [illegible] out of large sums of money, and during the 4th year of Meiji, he was apprehended.

See statement of Arata, of Hodo Han (Enclosure No 11)

During the examination made

made by the Hon, a letter was received by the Osaca Hon. ~~by~~ from the American Vice Consul.

(See Inclosure to 12)

The examination made by the Gods Hon Office, is as follows

(See Inclosure to 13)

This examination, was sent by the Governor of Osaca. to J. Hawk, and shortly after, the Gods Hon. were called to account for the matter by Schultz Rees & Co. Goto was then delivered up to the Osaca fu, and while he and his accomplices were being tried, a complaint came from Smith Baker & Co. Both complaints being related to the same case, they were put together, and in the 8th month of that year

Goto

Yow was disqualified as a
Godowan man, and sentenced
to 10 years labor at the "Islands."
Shonski, Motosichi, and
Goshibi to seven years each,
Ichizenum was reprimanded,
and for their transaction with
Lucas, on Yow-age. Gaitan
was sentenced to 10 years. Gus
Kibei to 20 strokes with the
criminal rod. besides, - all
the property of Yow, Shonski,
Motosichi. Goshibi and
Ichizenum was confiscated.
sold at auction, and the
proceeds divided between
Schultz Reis & Co. and
Smith Baker & Co. in strict
proportion to each one's loss.

P. Braun was then
informed of this judgement,
whereupon, from both firms,
there came a statement. which
was substantially as follows.

Where

when the above contracts were
made, Goto came with the
seal of the Todo Han, and
the authorization of the
Todo Prince. That Mouse
inquired of the Kobe Custom
House whether the seals
to both were true or false
ones, receiving assurances
of the correctness of both
and ~~then~~ if Goto were not
an authorized official Agent
of the han, he could not
have the Prince's authorization.

This statement having
been read to Goto and his
accomplices, it was ascertained,
that, firstly at Schultz Reis
Goto's office, he was asked
for the Todo Han seal, and
that he showed a passport
issued by the Todo Han. This
had the seal of the Han

upon

upon it. He had received this pass. from Gainaoka Maijin.
(See inclosure to 14)

Schultz Rostes appeared & desired to have this seal upon their bond, were told, that each Gods Hau man had one of these pases, but that it was impossible to put the same seal upon the contract. And they appeared to be satisfied with this explanation. -

During Goro's former service in the Mining Department, had received a certificate to the effect that he was responsible for the office he filled, - and which he had neglected to return upon his discharge, - and he thinks he showed this also to - Schultz Rostes. but is not positive that he did do so.

He

He positive that he never
let either paper remain in
the hands of Schultz Reis
& Co. neither did he permit
Smith Baker & Co to have the
one or the other. -

See Yamaoka & Goto's -
testimony (Enclosure 15)

Shimizu and Yoshibei state
that they never had the
Yoda Han seal in their -
possession. -

See testimony of Shimizu,
and Yoshibei.

(Enclosures 16 & 17)

Ikeda Kanbei, Smith Baker
& Co clerk, remembers that
when Goto and his accomplice
first showed their seals, -
Kichibei and another man
were sent to Osaka to have
the same inspected, at which
time, the Yoda Han seal and
the seal of the Han Treasurer
were

was received by him, from
Hirai Goizo and Iwakuma
Masaburo. and he thinks
he handed them to Moore,
but is not positive that he
did so. - he did not examine
them by himself.
When Goto was asked for his
seals and authorizations,
he assumed that he had not
the seal of the Treasurer, and
had but one paper bearing
the Todo Han stamps, which
he could not give to Smith
Baker & Co. This was then
told to Kaneko.

See statements of Kaneko
and Goizo
(Enclosures Nos 7 and 18)

Masaburo disappeared at that
time, and his present place
of residence is unknown.
Otherwise, we'd be glad his
testimony might be a help
at this point. -

Yours

Goss and others insist that
the statements of both foreign
firms upon the point of the
presentation of seals. to be
very imperfect. and that the
seal of the Todd Hall shown
to Schultz Reis & Co, was the
one attached to the Bark but
similar to those granted to
every Todd Hall man while
travelling that he showed
this pass. merely to show that
he was of the Todd Hall.
and he never asserted this to
be either the Treasurers seal
or Prince's authorization.

Schultz Reis again state,
that they took this paper
to the Hobe Custom House
for inspection. Nor was
any document of proof
Taken from the Custom
House at the time. —

J.L.

If there was such a
document, well, but if
not, and if the name
of the officer making
such inspection does not
follow, no Custom House
officer can be called to
account for such an
inspection. and hence
there is no proof; and,
the statement is useless.

Then, both firms assert
that Goro was residing
in the Sodo Han quarter
at the time, and was
transacting business for
the Han. which is
untrue, and no proof
of the fact can be
obtained.

Goro

Govs resided in a hired
house on the beach
near the Govs Harr
quarters; and besides
the Treasurer has no
reason for living outside
the Govs Harr quarters.

His name and title
were also placed upon
his gateway namely —
"Yamaoka Gn." (House
residence of Yamaoka)
NB — Of this there
can be no doubt.
The two from his state —
that his address upon
the gateway read, "Yamaoka,
Hobo Harr Tocasuru," but
no one ever can such
address upon his gateway

and

And it is also stated, that, after the lead was purchased from Schultz Rees & Co, their Representative, Baelz, with their clerk Tokujiro and another man, visited Yoro at Osaca, at which time Baelz asked Tokujiro what was the writing on the gateway, and was told "Hanasaka Yoro. - Treasure of the Gods Hall." but Tokujiro states that he did not see - "Treasure" written on the gateway, and he has no recollection of ever having told Baelz - that it was so written.

See (Enclosure No 3)
Statement of Tokujiro

In

In the previous statements of Richibei and Sinoki, they assert that during the negotiations at Smith Baker & Co's office Goto's and his accomplices' fraudulent character was questioned. and the passes were handed us for inspection, and that they two were asked by Kanbei to get them inspected. that, they required of Takahasi Tomosichi living in the quarters of the Todo Han, from whom they learned that Goto while a Todo man, was not the Treasurer of the Han. and Shonoske although living with Goto, was neither a Todo man.

nor

were connected with the
Hall in any way.
They told this to Kawabei
who was exceedingly surprised
and repeated it to Morse.

See Evidence
Nos 5, 6, 7 & 8.)
Statements of Kawabei
Richibei, Sunki and
Tonosuke. —

This deceitful representation
of Goro, Shunki, Tonojiro
and others, is well understood,
but the two prime state
that Goro was for other
misdeeds, imprisoned by
the Todo Han. whereas,
Goro was imprisoned by
the Han after this crime
had been found out, and
for this Kobe matter alone.
There was no other complaint
which

which was plainly stated by the Osaca Governor, to the Neu Consul.

If Gov. had made these transactions with foreigners upon the authorization of the Yedo Han.- certainly the Han ought to take it upon themselves to pay the money. and certainly under such circumstances, Gov would not submit to the severe punishment of the loss of his property, and imprisonment for 10 years, without one — objection, or remonstrance.

Then again, the Securities, Motoyoshi and Tokizemon, as well as Shoniken and Goseki were rich Yedo merchants.

and

and has they been such,
and as such, made a
loan with foreigners for
the Han, they would
incur family ennui to
the loss of all their property,
besides a severe sentence.
All the proofs show, that,
the entire proceedings of
Uro, and his accomplices
were fraudulent. and
the ex Prince Inaba —
Masakuni, with other officials
of the Gods Han examined
closely into this matter. and
ascertained that the Han
had never contracted any
loan with foreigners. — hence,
the case of the preceding
named fonin, concerns Uro
and him alone.

That

that [illegible] visited Osaka to
study foreign languages.-
that he never held office
under the Han as Treasurer,
and that they caused his
arrest because they learned
of his having used the
Han name in order to
obtain money under false
pretenses, from foreigners."

See (Enclosures Nos
19. 20. 021)
Statements of
Iwaba Masakumi and others.

Of the dishonesty of the above
named two and his accomplices,
there are so many proofs,-
that there can be no reason
for laying the responsibility
of the loan upon the Lords
Han. In conformity To
this, a decision was given
by

by the Osaca fu, and the property of Gro. Okuniki, Motoiehi, Itchizemon, — Yoshibi [redacted] was all confiscated, and divided between Schultz Rees & Co and Smith Baker & Co in proportion to each firm's loses. and Gro and the others sentenced accordingly to the Statutes.

The sentences of Gro. Gositaro, Kihei and Itchizemon are approved. but it is thought that Okuniki, Motoiehi & Yoshibi were too harshly dealt with. and their — sentences have been mitigated from seven years at the Islands, to three years hard labor at this Port.

The

the 11th day of 10th month
of 4th year of Meiji.-

Thus has been done. after
a careful Trial.

Supreme —
(Signed) Court of
Judicial Department

Meiji 6th year
4th mo. 4th day
(April 4. 1873)

Enclosure No 1.

Statements of Yamaoka Giro. age 26.
of the former Gobo Han.
Aboshi Shimoshi age 28.
of Ryogaimachi, Sakaya machi
Kioto. – (unregistered)
Kono Genuya Motoichi age 35.
of Hamamachi Osaca.
Zeniya Gisibei age 33.
of Dojima Shiramachi
osaca.
Oya Ichiyemon age 44
of Kowai bashi Sandome
osaca. –

Daimokuya Kihei age 32
of Memotocho Osaca.
and Amaya Sositaro age 38.
of Imagawa Kori. –
Imagawa village. Goshiu.

Detailing the circumstances attending the use of the name of the Gobo Han and its treasure, to obtain money from foreigners. – the way in which such monies were appropriated &c.

Giro.

Goro, whose guardian is Yamaoka Matsgoro of the former Hobo Hans, obtained leave from the Chiji of the Han, and during the 9th month of last year came to Osaca to learn English and took up his abode in Dozima Suichi 2nd road. While at his studies, he was appointed Vice Director of the Mining Department and took this office during the 10th month. — In the 7th month of the succeeding year, he was appointed to relieve an officer in the Kinzats Department of the Mint, but was discharged in the 8th month. He still retained his quarters in Osaca. Thinking there might be a profit, in a trade in his native Han products, and, making the acquaintance of Yoshibei, the two considered how they should proceed to obtain a capital by making a loan from foreigners. —

While

White occupied in these
calculations, Shimoki of
the former Mijazu Han, who was
sent to Osaca by Tsuga Rioki
to settle a gunpowder contract
made there by said Rioki,
and arrived there two years
previously, was introduced to
Goro, and Goshibei, — In the
9th month, he took up his
residence with Goro, and —
added his counsel to Goro's.
Goro and Shimoki there falsely
assumed the title of Treasurer
of the Tosa Han, Goshibei
persuaded his brother, Motoichi
to become a Security for the
proposed loan, and frequently
met and consulted with a
frequenter of foreign offices
who was a resident of Kobe
and

and named Itchijoya Kasaburo.

Iwakuni Kasaburo, formerly of Yamada machi,.

Matsuya Jiusui of Kajoya machi; and

Ekidaya Gosizo formerly of Rokoku machi, revealed the plans to Arioya Sauber who sent Kasoya Shojiro, and Simuraya Kansaku of Yawata machi during the 10th month to the house of Sakamuraya Kahei, a clerk of the American merchant Reis. with instructions to negotiate for a loan. — and ascertained that lead was the principal article then on hand. when Goshiba and Kosaburo went to Kobe, for Gyo and Mo Toshichi, met Reis, and would have embodied the contract

Last

had another sufficient
Guarantee been pursued.-
When Yoshibei returned to
Osaca, and concealing the
falsity of the scheme, so
laid the matter before
Itchijemm, as to obtain
his consent to become an
additional Guarantee. When
all of the above named persons
met at Kobe, and presented their
seals to Kahei, when Enami
Jokujiro and the brother Sarobei
went to Osaca to obtain an
inspection of the same. They
obtained it at the Steel office
having charge over the duties
of Motoweshi and Itchijemm's
residence. whereupon they
visited Shomiki at Goro's house,
during Goro's absence.

When

where the time of repayment was discussed, I begin thought all parties concerned, to be reliable men, and returned to Kobe without calling upon the Gods Hall officials for information.

The contract was then made out, and on the 10th of 10th month, while Geo. Gosben, Ichiyama and Shimaki Rotaro were at Rei's office, the contract was signed by Awaki Shimaki as Treasurer of the Hall, with Kono Seiriya Motoichi and Oya Ichiyama as Secretaries. and Gods Hall. Treasurer Yamamoto Goro countersigned the same. Thus signed, it was handed to Rei, and 126,000 lbs of lead valued at 10100 ryos payable in 180 days was the substance of the same. —

the

The lead was at once put into the hands of Kahei, and at a loss of 3044 yens. was assumed by for 7056 yen. the cash was received by Jacobi and Shojiro of which 63 yens and 3 bors was charged for percentage on exchange for kinsats. On the 25th inst. Shomoke, Goshibi., Hatayjima and others, went to the office of Smith Baker & Co in Kobe and made a similar contract for tea, cotton, and soma. — valued at 8100 yen. payable in 200 days. and then bond was handed in. — when — Gositaro & Kahei being efforts in effecting sales. — went round among the other foreigners and succeeded.

in

in effecting a sale of the goods to Lucas, an Englishman, for the sum of ℔ 3380 rcs cash. They received 300 rcs advance, viz. - Yositaro 200, and Kihei 100 rcs. and disappeared. - Previous this Gro had borrowed some money from Kihei. who considered himself justified in placing this advance, against his a/c. He has sustained by seeking at these figures appearing too great, the others there paid 300 rcs as a profit, and received the goods back. and afterwards sold them again for 4343 rcs 24 bon. nett. — Both sums realized amounted to 11379 rcs 24 bon.

OB

Of this, 138 ens 0/100 were paid Smith Baker his servant Kanzo. as commissions.

Sarober, Rozaburo, Shojiro Kahei and Yoziyo received 100 yens each for services rendered.

Ishojiro received 400 yens as commission on repayment of each loaned. Kanzaku received 5 yens, Nasaburo 53 yen 1 bon, Jinsuke 120 yens, all as commissions.—

Ishijuro— for loan of his Deal. received 500 yen, Motosuke loaned 2242 yen 1¾ bon. Yosaber loaned 1000 yen, Shimatsu 303 yen, and the balance remaining. Yoro kept to himself, and spent in pleasure pursuits.

Nos plan thereupon was

was enducted by Goro Shimizu
Mohachi and Goshobei, who
carefully avoided giving the
slightest information of the
deceit to Ichijemon and
the other accomplices.

To ascertain if the same
was the result of their frauds
upon foreigners, they were
warned to state such if
any there were, whereupon
they all deny, we having
made similar transactions.

We undersigned hereby
acknowledge this grief as
appears in the foregoing. —
and submit themselves to
whatever punishment may
be awarded due them.

Signed by Goro
Shimizu,

Dated
Meiji 4th year
9th mo 4th day

Motoóchi,
Toshibei
Ichijemon,
Kihei
Yoshitaro

We certify the foregoing
to be a correct statement,
made by them before. —

Izumiya Tsubei (L.S.)
Circuit Judge for
Kurai Machi South Ku oji

Omiya Tohei (L.S.)
Circuit Judge for
Kurai Machi 2nd ward.

Yamazakiya Jirozemon (L.S.)
Superintendent 2 ward
Nemuta cho Tenjin Machi
by Yasubei.

To the
Foreign Office.

Yamawaki Giro
Former dependant of Todo Han
Awaki Shomuki
living at Ryōgoku Nishi Sakuya machi
Kioto.—
Kono yekijoh Motoichi
Juna machi Osaca.
Zenjiya Toshiki
Dojima Kita machi Osaca.
Oya Ichijuro
Kodai bashi 3rd ward Osaca.
Daikokuya Kihei
Menno cho Osaca.
Amija Gisitaro
Yanagawa village in Yagami Kori,
Goshiu.—

Of these persons,— Giro, under the protection of the Todo Han, took the Han name, and with Shomuki and Motoichi borrowed a large sum of money from foreigners and squandered the same.—
Shomuki, Motoichi and Gisuke participated in the crime, and used some of the money.
Gisitaro took 200 ms absconded in Gorosaye, and ran away. Kihei paid money

for money lent Gro. out of the advance alluded to.
Tschijenin although ignorant of the deceit practised, because Security for Gro's bond, —
all but Rehei have their property confiscated. —
Gro loses his rank as an officer and is banished for 10 years to the penal islands. Postaid also 10 years, same.
Shonski, Motovichi and Yoshibei have 7 years each
Rehei thirty stripes. — and
Tschijenin admonished. —

The undersigned has the honor to state the following facts, with reference to money borrowed in the Sodo Han name, from Fujimura.

In the 2nd 10th mo. Tomizo and Tarobei went to Osaka to have seals inspected, and returned on the 5th at which time, Tomizo said, that, upon Kino Heikichi's — Mr Yoshii's invitation he went to the quarters of the Sodo Han, and from there to the residence of Tamaoka Goro, where, he met with Awoki Shonoske, showed him the seals, and received his assurances of their genuineness. He then received Shonoske's seal impression and afterwards Kinosuke — Motoichi, and Oya Ichizemon's seals. and exhibited them to the district police office. Upon — enquiring about Tamaoka Goro's standing, he was assured by Motoichi

Motosicki and Ptchinyenn that they were treasurers of the Good Hall, and he considered them both to be perfectly safe people.

After this, Gros called together the Guardians and all agreed upon a contract.

Positively the seal impressions were returned to the owners, after a little seal had been placed upon the contract by each party. Gamaoka Gros together with Nowojski Motosicki, and others said to me, "We have never dealt in lead, and find some trouble in selling it. and as we must have immediate funds for Hall use, we beg you will sell it for us. As the freights were yet unpaid, I declined to have anything to do with it. but upon their urgent solicitation, I finally sold it

it at the market rate. —
Nov. — 1491 bags, weight 171500
Japanese Kin; value received,
7056 revs. — As this purchaser
had no immediate funds in
hand, he borrowed of Osakaya
Risaburo of the firm of
Maruikeiya Gizo, in Kobe,
the sum of 7000 revs, giving
the lead as security. He then
paid 56 revs from his own
purse, and the cash was
handed to Yamaoka Goro and
Motoichi. — The price of
lead not rising, the purchaser
was compelled to turn the
lead over to the above named
Risaburo. The sum obtained
for it was 7790 revs.

The loan of the 7000 revs
incurred expense, interest of,
and 280 revs were paid

to

To Murayama Yezo Sendo,
which, 25 ros was paid to
Idzishuya Setsuriumu of
Jona machi in Kobe, as
storage. and 70 ros was
expended in coolies hire in
moving the load. Together,
there was a loss sustained of
85 ros.

The foregoing is a true statement
as Aparticulars. which is
offered in deep humility. —

Nakamuraya Kohei
of Hama machi in
Kobe.
by Gosaki.

Meiji 4th year
5th mo 27th day

Sakuya Kanori.
Naval Superintendent

To the
Foreign Office
Osaca

Eurasch Sorigiro, respectfully makes the following Statement.
— He resides in Tsuda for nearly Kobe.
In the 7th or 10th month of the year 11th I went with — Tarobei to the Gods Hall, — to the house of Motoichi. there one, three, went to the residence of Yamaoka Eno where we met Awoki Shonsai, and received his seal impression. — At that time Eno had written upon a paper, attached to a tag, nailed to his gateway. "Gods Hall Yamaoka Eno" Treasurer, was not written, but — Motoichi said there was no doubt of his holding that office. The next day Motoichi's seal was inspected

and

and by a Magistrate also had his seal impressed at the same time by the Officer of the Keeper of the Seals.- The succeeding day to this, Awaki Shimmi and the two Securities, came to Kobe, and about the 10th of 2nd 10th mo. all in concert, completed a contract.

About 15 or 16 days thereafter, Benuke of the former District 806, expressing a desire to see the Idolatrous Gods of the Todo Clan, accompanied him to Dojima in Osaca, to the residence of Yamaoka Gov. upon or near the Beach Gov was absent, and

the

and the servant present,
with the gatekeepers showed
them about the premises.

We were shown the
godowns, and a Fox shrine,
near which place we
saw an Officer, and
we then returned to Yamaoka
Uno's residence near the
beach. I observed a
paper card attached to the
gatepost. — Burke said
"What's this." I answered
"Godo Otsu, Yamaoka Uno."
I saw nothing like "Seamen"
written there, and said
nothing about such title.

We slept one night at
Kawaguchi. in a house
called Jinteh, and the
next morning early

Yamaoka Goro came to
the Imbets, and met Bueke.

I was absent while
he was there.

I never guided any
foreigner more than once
(as stated,) to the Godo
quarters

While Bueke was in
the quarters, he put no
questions at all. I think
as Masumi of the Godo
Have was written upon
the contract, Bueke
must always have
believed him to be such.
I also thought him to be such.
During the 2nd month of
4th year of Meiji I was
unwell and away from
my duties, hence. I know
nothing about any
subsequent events. the above
is a true statement. Tokujiro

Meiji 5th
1st mo.

To the Sub. office
Judicial Dept.

Yamazaki Hoichi
Ward Executive

Enclosure 4. -

10 100 Ris - one hundred.

The above sum is truly bound in consequence of its absolute need in our country. and the same will be truly paid at the end of 180 days from tomorrow. which will be - faithfully carried out, and at that time, our sentiments shall not change.

If by any accident it is not paid at that time, the guarantee will make it good.

In document bears us witness.

Meiji 7th year,
10th day of
2nd 10th month.

Awaki Shunnki (L.S.)
Inasuuji Todo Han - banner.

Kino Eleya Motoichi (L.S.)
Fumanachi Osaca - Security.

Aya Ichizumo (L.S.)
Kuraibashi 7th ward Security
Osaca

a.

Ab.

To
Deep Schuly Dist No.
old Dutch Dist. 6.

The above named sum has been honestly borrowed, and ought the same be unpaid at the date named; we will settle it without trouble or hindrance.

As security by deal upon same side, we give this. —

Lodo Hall Treasurer
Yamaska Que

The following facts are
respectfully given. — by
Takahasi Tomoichi
of Shinshiu, Kisi mau Kori,
Daisau Ke Sonesaki mura,
residing in a house of —
Yamasita Hachibei.

I was calld upon to give
what facts I knew about the
matter of Gyo, and the foreign
from whom he borrowed
money, and below. I have
all the particulars which
I know. — and including
the part which I took, as
guide &c.

I was formerly a servant
in the Goo Han, employed
as gatekeeper. Once a —
foreign accompanied by a
Japanese, came from
Yamawaki's residence. —

Fatiu

stating that he would like to see a horse which was kept there.

I do not remember the day, but it was sometime during the 11th month of the 3rd year of Meiji, when a foreigner with an interpreter, together with ~~all the retainers~~, Isaku, a servant of ~~theirs~~, and Gonzo, all together entered the gate and walked as far as the stable, and saw all. As gatekeeper, I followed them all about, and soon saw them go out, without entering the house.

About ten ago, I stated them faithfully, - but now, make them in writing according to order.

In answer to the enquiry

as

as A whether Yamaoka
Goro said was posted on
his gateway, there was
posted at his residence -
near the beach, his name
"Yamaoka Yu" only. I did
not even notice even Goro. -
upon it.

He alone is a true statement

Tomosichi (L.S.)

5th year of
Meiji
9th mo 18th day.

Hatta Chuzbi
Circuit Judge (L.S.)

To officer
Foreign affairs
Osaca

Enclosure No 6.

The following details are respectfully given. - by.

Tanaka, Tomosichi

of Seshima, Shimoni Kori,

Dai ichi Ku Sonezaki Mura

occupying the house of Yamada Hachibei. -

Today I awaited to call for further particulars about the Yamaoka loan case.

I was accompanied by the former Godo Han.

During the 3rd month of the 3rd year of Meiji. Kaoru. - the wife of the above named Yamaoka Yuzo. asked me to let some foreigners sit at the gates of the Headquarters, to see a horse belonging to her husband. He entered, and having seen the horse. asked to be allowed to look inside the Godowns. - but as they

they entained goods at the time, I denied their request. and they went away.

Ono was away at this time. During the same year and the same months, day forgotten, two unknown men came to my house and asked whether Gamaoka Ono, and Awoki Shinnoke were Lodge Hall men, and whether they held offices as Treasurers under the Hall.

I assumed Gamaoka Ono is certainly a Lodge Hall man but Awoki Shinnoke is not. — Ono's position, is similar to that of Clerk. and neither held offices as Treasurer.

the

The foregoing particulars
are respectfully given, —
and are correct and True.

Tonoaichis (L.S.)

Aleje 3rd year
7th mo. 14th day. Hannasta Hachibeh
Circuit Judge (L.)

To the
Superintendent
Judicial Dept.

The following is respectfully handed.—

During the 10th month of the 2nd year of Meiji a foreigner came to my house.— the only time such an occurrence ever happened. — and this was before the money was borrowed.

This foreigner asked for Goro, but he was out. as was told by Tamagawa. Goro's errand. and the foreigner at once went away. I know nothing about the foreigner having visited the guardian of the Han.

A true statement.

Meiji 5th year
7th mo 24th day.

Tayeh — (LS.
Dwg Keeuni daughter
Kyo Bashi dori
Ward

To the
Office of
Interior Dept

Enclosure 1.

I respectfully submit the following statement. —

The first I knew of this business was in the 2nd 10th mo of the 3rd year of Meiji, when Yasizo of Kyomachi bori Ryogoku-machi Osaka, told me the Yodo clan required money. that the parties were secure and that a contract had been entered into at the former Dutch No 6. I went to the residence of Tokumaraya Kahei a clerk in No 6. where I also met the under (sub) clerk Yokojiro. I enquired what I had heard was true, and had it confirmed. The foreign residents of No 6. was then absent in Osaca, where by invitation of Yamaoka, he stayed at least one day in the Yodo Yoshiki. — This foreigner in telling his opinion

in

in my hearing said if anything
could smoothly be obtained done
the bargain, — Yamaoka Goro,
with Shimada, Gosaji. Iwakuma
and others united together, and
obtained the impression of their
seals. The Goda Han seal was
asked for, and a paper handed
in purporting to have the seal of
the Han upon it. All the
seals were obtained to the foreign,
and the Todo Han pass was
taken by him to the Eastern
Custom House, and came back
announced that it was the
genuine seal. — Thereupon the
contract for the loan was
signed. — In reply to your
question as to who the Todo
Han pass was received from,
it was handed in by Gaiji
and Iwakuma together,
but I cannot remember who
it

in

and particular did it.

It took place so long ago, that it is quite impossible for me to remember. —

The shape of the seal was square with rounded edges. and certain the pass was returned to Iwakenya's hand.

The question of seals being settled, it became necessary to have the other seals imported at the office of Keeper of the seals. and as my engagements were so numerous & made me to attend to them alone, I was compelled to obtain the assistance of Kichibei, clerk of Tanabe Goshiem at Takamoshai Takahori. Osaca. — Fortunately he was about to start for Osaca upon business, and offered to attend to the matter for me. — so I left it in his

his hands. - Sunoki was
with him.
Two days after, they returned,
to Kobe, and related their
experiences.
They went firstly to the house
of Konoyikeya Motoichi and
stating themselves to be
clerks of American No 3,
spoke about the contract
stating his object there
to be to obtain inspection of
the seals. - They were then
directed to the Police office.
Returning from there, they
went to the Yodo Head quarters.
but was at the gate told
that the Agent was out
walking and that he
might learn what he
wanted at the house of
Takahashi Yoichi
They

They found him about,
but the next day went back,
saw him, and in reply
to questions, told them.
Yamaoka Gen was undoubtedly
a Gods Hau man, but is
not now was Treasurer,
and another Shonsui was
not even a dependant of
the Hau. and a frequenter
of Gen's house, only. —

Upon learning from Kichibei,
that contrary to his own —
representations Yamaoka Gen
was not Treasurer, I was
exceedingly startled, and told
it immediately to the Foreigners.
who at once went down A to b,
and returning after a little
time, expressed himself to
be perfectly satisfied of the
genuineness of the transaction
and

and signified his willingness
to at once close the contract.
Thus without any delay
for it, the business was
done.—
The above is correct
and true.

Ekeda Kamekichi
Takamatsu Kobe
accompanied by
Yamaguchi Kahei

Meiji 5th year
9th mo 4th day

To the Council
Judicial Dept

Enclosure No 8.

Having business transactions in Kobe with Okada a Kaunbei I became friendly with him,

On the 15th or 16th day of the 10th mo. of Meiji 3rd year, — Kaunbei of the office went to Kaunbei's residence on business.

He received Yamaoka Yoo, and Aoki Shonzo's seal impressions to get inspected.

Upon our arrival in Osaca, we told the Master, about this matter; and as it was an important one. care was necessary. — We went & question the Agent of the Han. — at his gateway we learned his name to be Takehara — He was absent from home, — as his wife told us. — and signifying our intention to call after he should have returned, we left. —

a

A few days after, we returned to the guard's hut at Sadahara. where — presenting the seals, were told that Yamaoka Goro was not present at the moment he belongs to the Han. — and that a wood Shoemaker had nothing to do with the Han, and was merely a constant visitor at Goro's house.

The 2nd day thereafter, — Kichibei went to Hamabii's to report, —

Respectfully sworn. —

Meiji 5th year
7th month 3rd day

Shinoki (L.S.)
Clerk of Yasui Toichi
Sworn before me 8th month.

The preceding statement sworn by Suiseki, I fully concur in. — Kichibei (L.S.)
clerk of Yasui Toichi.

Same year
month. 12th day.

To the Secretary's office of
Judicial Department

Enclosure 9.

8100 Revs nibu Kin

The above sum is truly borrowed in consequence of its absolute need in our country, and the same will be truly paid at the end of 200 days from the present. which will be faithfully carried out. and at that time our sentiments shall not change. If by any accident it is not paid at that time, the guarantors will make it good.

This document bears no stamps.

Meiji 3rd year
21st day of
2nd 10th mo.

Awaki Shinroku {Seal}
Inhabitant of Yodo Han — borrower

Kondekya Motoichi {Seal}
Tsunamachi, Osaca, — security.

Oya Otokizemon {Seal}
Kuraibashi 3 chome — security
Osaca

To
Messrs
Smith Baker & Co
Am. etc 3. —

Ill

the above named sum has been honestly borrowed, and should the same be unpaid at the date named, we will settle it without trouble or hindrance

As security & seal upon reverse side, we give this.-

Godotten Treasurer
Gawaoka Yoro

Seal

Enclosure No 10.

10100 lbs Purchased of Schultz Reuter & Co

8.100 " Purchased of Smith Baker & Co

18,200 " Total

6,820. " 1 3/4 bags. Loss incurred from sale under Cert. and expenses incurred. —

11,379. " 2 3/4 bags balance remaining —

IR.

This was divided as follows. - 11.379. 2 3/4

Nakamuraya Kahei's	comm^{n}	100.
Akoya Tarobei	"	100.
Masoya Shojiro	"	100.
Iwashi. Tokojiro	.	100.
do do	bounus.	300.
Ikedaya Kanzo.	comm^{n}	238.1
Ikeda Yosizo	"	100.
Imamuraya Kansaku	"	5.
Matsuya Jimbei	"	120.
Ishiiyoya Kosaburo	"	100.
Iwakuniya Kasaburo	.	53.1
Yaichi	"	8.
Kuja	"	15.
Daikokuya Kihei (bounus)		80.

Zemja w Uzitaw	stolen	200. — 11,349.2
Smelter Bakeries	interest	162,
Kanzelarija Ulotnicka	(bounce)	2,246. 1¾
Zemja Gosibé	do	1000.-
Oya Stebijunn	"	500.-
Awoni Kamaki	und	388.
Jamaska Gov.	used	5492. 2½ = 11,379.2

Total used

Enclosure to 11

Yamaoka Goro
of the former Gobo Han.

Yamaoka Matsuo (Surety) —

Has been, traded with foreigners for a loan of a large quantity of money. — and was the [redacted] name family. For this he was arrested, and during the investigation, the bond, with a disjointed statement of the affair, had to understand, or was received from the foreigners. — and I was ordered to Kobe to investigate the same —.

Upon the 1st of 2nd month, of the 4th year of Meiji. I with Matsumura Ringo. arrived at the house of Takamuraya Kahei, and asked to see the original bond. executed by Goro, —

Kahei then said it was in the hands of the foreigner, and cannot be shown.

As,

as I had come purposely from
Osaca to see it, and in the course
of conversation ascertained that
their ways of giving money
upon certain conditions were the
same as ours - and I was free
that if I wanted to make him
a proposition, and knew what
how much cash I would pay
to take up the note before it
became due, he would see
the foreigner and decide the
matter. - I then denied having
said anything about paying in
any money, whereupon Kabei
repeated his question how
much I would give for the
bond. - I then said, I had
called to look at the papers
merely for my own personal
pleasure, - and retired, feeling
exceedingly surprised at what
occurred. - The above is correct and true

Araki Ajirobei

Meiji 5th year
4th mo. -

To the Office of
Foreign Affairs

Enclosure No 12.

No 44. U.S. Consulate
Baca-Hugo
April 21. 1871

Sir

A short time ago. the American merchants Schultz Rees & Co had a business transaction with the Trading Company of the Gods Haus. of which, at that time Yamaoka Yoso was in charge. and he in the name of the Gods Haus. — countersigned the contract.

Three two wealthy merchants placed their seals upon the same as securities.

The above named Agent has now been removed, and has gone away. and the new Agent taken charge. — and as the former Agent made this contract for the Haus, — it is requested that the new one may affix his seal to the document —

I have to request that

as

as such action by the new
Agent would prevent any
future question, you will
give this matter your serious
attention.

I have the honor to be
Sir
Your obedient servant
P. Isaac
U.S. New Consul

To
H.E.
Doy
Shosuyi
Osaca

Enclosure No. 3

Statement -

We have received a
letter to the effect that a Dutch
Merchant residing in Kobe, named
Schultz, and another, but many
upon a bond, which bears
Awoki Shomoki's seal and
Yamaoka's countersignature;
and that Yuo Agent for the
Han, and a new Agent arrived,
it was requested by the one named
from, that he put his seal
upon this bind, with reference
to which, we have to say, that,
the said Awoki Shomoki, is
not of this Han, and acting as
Yuo's a Han man, he has
never acted as Hanmen, and
certainly never as Agent for the
Han. Recently he has been
imprisoned to await trial for
certain irregularities.

This we respectfully forward.

Meiji 4th year 3rd mo 7th day

Nakamura Sakajiro
Yodo Head quarters

To office of
Foreign affairs.

Enclosure No 14.

I respectfully hand in the following statement of certain facts in my memory.—

On the 4th day of the 10th month in the 8th year of Meiji. Yamaoka Goro's mother came to his house in Dozima Nakanoshi bashi kita gumi, where she remained for one or five days.— I went there to escort her homewards.— arriving there on the 8th of same month.

I became ill, and the Mother was compelled to go home alone. while I remained behind in Osaka, as Goro's passport had not arrived from Tokio.— he asked me to lend him mine, for a few days use.— about the 12th inst.— Again about the 14th " I lent it him. and again on the 1st of 2nd 10th mo, he took it, to visit a foreigner's house.— In all, I loaned it 3 times. and each time upon his return I received it back.

Goro

Goro went to Kobe on the 5th
of the 7th 10th month, and while
there, became unwell, leaving
which, I visited him on the 15th
instant, returning on the 16th
From that time to the 18th day
of the 7th month, I remained
a visitor at Goro's house; and
on that day, I returned to my
home in Yodo.

I acknowledge that I may
have done wrong in hiding
him my pas.- notwithstanding
the relationship between us.-
A true statement.

Hamaoka Majiro. (seal)
resistance and Kichi for
dependant of
Hamaoka Riko.

Meiji 5th year
7th mo 9th day

To Court of Judicial Dept

with
Ono Kiamichi (seal)

Encarnacion Salvadora Jones.
formerly Gods Hall.—
dependant of
Yamaoka Motoaki.

This person in the case of the Hall, did not receive his passport, for travelling — which was stated by him verbally last year, to have been by the Hall. I have repeat, that no passport has ever been issued to such person.

Mary 5th year
7th mo 10 d

I to Ruisai
Amano Norijosi.
Represent Kioto Ju

To office of
Foreign affairs

Enclosure No 15.

Statement of Yamaoka Goro,
of the former Hodo Han.-
Age 76 years.

With reference to my false —
representations to foreigners, by
which I obtained money, I
state as follows.-

I am the 3rd Son of the late
Yamaoka Hioji. - Eleven years
ago, as attendant to Ito Shuzen
Sanjo, I went to Choshiu, and
Daimyo in Chikuzen, - Upto this
after the new Accession, I remained
with the household of Sanjo.
In the 8th month of 2nd year of Meiji,
I was discharged, from the
position, and returned to Hodo,
where I lived with my nephew.
In that 9th month, having a
desire for study, I went to Osaca
and in the 2nd road of Dojima,
on the beach, I rented a house
situated opposite the Hodo garden
While here, I was appointed to
the Mining Department, The next
year I was appt'd to the 13th
ward

raised in the Mint. but was discharged during the 8th mo. I kept my residence thereafter.

From the 10th month. I began to concert a plan for borrowing capital from some foreigner — with which to commence business.

Having always been in service of some kind, I had come acquired a passport. and consequently, some received one.

I acquired a pass to enable me to visit Kobe. in order to make the arrangements for the money —

Fortunately at this time, my elder brother, Yamaoka Manjiro. arrived from Yedo. and was detained at my house 5 days. without giving any reason, other than that I needed it to travel with. I borrowed my brother's pass. — and going to Kobe. — called upon my old friends. and when it came to be the day

to depart

before signing the bond, I
was introduced to Nakamura a
Rakee at the office of Schuldy Rey
who said he wanted me to see
my pass, if I had one. The
aforesaid pass. I then exhibited,
and it was shewn to the foreigner,
who said he wanted that stamp
put upon the contract & bond,
but the seal being already upon
one piece of paper, I told him
such a thing would be —
impossible. "In that case",
"well" was said.

I also happened to have with
me the pass which I received
while in the Mining Dep^{t}
and had neglected to return
upon my discharge, and when
I shewed my Hiau pass. I think
(but am not sure) that I —
shewed this also.
Now, I shewed the pass or passes
once as described, but

never

never after. and I do not
know of any money, nor do
any possess any other pass
or seal impressions, than those
described. - notwithstanding
statements to the contrary, have
been made. -

Neither have I ever man-
ufactured any seal.

The Smith Baker & Co Contract
was commenced by Shimoi
and was begun after I finished
the Sakuetz Rice & Co affair.
and while I was in Osaca.
Shimoi and the others -
remained in Kobe. and, -
when the seals were about to
be attached, to this one, I
was sent for from Kobe. -
and found upon my -
arrival, that many things
had been concluded

At that visit, I first saw
the foreigners and his clerks
and

and during my entire intercourse
there, I never observed any
Han passport or Military Dept
protection.

Shomoki never had any
Imperial Han seal, - never
could have obtained one,

I with Shomoki perused the
Treasurer, but as the office of
Han Agent had ever been
abolished by Imperial
Decree. - I could not have taken
that title, - I always had written
on the gateway of my residence,
from the time I was employed
in the Military Department
"Yamaoka Yei" but never
did write Treasurer or Agent
thereupon. There never was
any such place in Osaca
as "residence of Gods Han Treasurer".

There is no Agency of Gods Han,
in the Eastern part of the Han
quarters at National Gen Foo
the residence of a man named
Yanabi Kagoro, was used by the
Han as a tea office or a
Inn

out of undergrowth for the Tea
brought from the Hon. and
it was usually sold there —
but no trade of any extent
was ever carried on there, and
no sign of Company or Agency
was ever put out there.

Yet I never had anything
to do with this place.

I never gave permission to
a foreigner or servant to inspect
the interior of the Tosa Han
quarters.

Whilst I was negotiating the
Schultz-Reed affair, and
was in Osaca, a foreigner
with a client of their office,
called at my house one day,
while I was absent at the
house of my physician. —

My wife, afterwards told
me of their call, — next day
I went to search them at
Jimmy's Matsusima Hotel to
where I met the foreigner
mentioned. — and

and asked him if he came to see me on business? and was told, that, while on a tour of observation about Osaca, he had merely called,

The only other conversation we indulged in, was about my recent illness. This occurred but once. —

At that time, I told to Takamats Sakujiro, an official of the Hon Quarters, and several others there, that business called me there frequently to Kobe. — but never did I tell them what that business was. —

The foregoing statement, made under examination, is true and correct in detail. Though I have already made true statements to the Osaca fu, upon this same subject. —

Shimada Goro (L.S.)

Meiji
5th year
4th mo 8th day.

To the
Comptr of the
Judicial Department,
Osaca

Enclosure No 16

Statement of Aooki Shmoki
residence Ryogaiya machi,
Ikaya machi
Kioto.

At the second examination about cheating foreigners out of large sums of money, — I transmit the following —

Never having had in my possession, the seal or any pass of the Gode Kau, I could not have shown such to any body's clerk. and I have never manufactured any such seal.

I do not know whether Gos ewa did or did not show any such to any foreigner —

I have already stated what I know about this matter, when examined before the Osaca foreign Office &c. —

This is the truth. —

Aooki Shomoki (Ls)

Meiji 5th year
9th mo. 12th day

To Court of
Judicial Department

Enclosure 17

With respect. the following
Statement is given; -

Having been called hither, to
give testimony in the matter
of a contract for the loan of
money from Dutch to Kobe.
by Yamaoka Yoro, Owaki
Shinski Kenzeikiya Motosichii
and Oya Setsuyemon, and whether
Yamaoka Yoro had or had
possession of a Gods Name pass,
I have never seen nor
or heard of his having used a
Gods Name pass. -

With regard to any other statement
of facts denied, I related all
that I knew, at the time I was
questioned in the house of the
Foreigners at Kanagawa. -

Takinotoi Goshei (4.)
Meiji 5th year
7th mo. 12th day. Dozuma Oora, 2d ward
to 81. in Yoshida Shatchi house,

To office
Judicial Dept. Kanazawa Soke (Sd.)
for the Ward office

Enclosure No 18.

Hirai Yoziro
Minami Okemi Juni i Kei.
Yamato machi, -

I have the honor to state with respect. the following particulars.
During the 4th mo of 1st year of Meiji. Hirai employed in —
the house of S. Amerman, - at Kawaguchi. - as boy. -
In the 3d year of Meiji I left there. but having been in the place for so long a time, I kept up the intercourse. - I made the acquaintance of Matsuya Jiuroku of Reigoku machi who came to me to obtain my assistance to negotiate a loan with Mr S, I had business in Kobe, and wishing to see Mr S. clerk, of Mr S, I took the address given me by Iwaki. - The names given me. were Yasuemon Hamaoka Bro, Sanae Hara, Asaoki Bro, Yamamoto Konojoki Motosuke

oya

Oya Ishiyama, - In all four names. - This was on a half-sheet of paper, and there were no seals. - At this time I asked if he was Ayuk, and was told that he was not Ayuk but had the same rank as Ayuk. I took the paper to No 3 Kobe. and consulted with Kanzo, who said cash could not be lent, - if they wanted to take tea, cotton and gowa. they might be able to effect an arrangement for future payment. Matsuya Jimki, and Iwakuniya Masaburo, were in Kobe present for a reply, which I gave them as drawing to from Kanzo. I think they must have had an immediate meeting with Goto, & others, because in a day or two there was apparent their willingness to take the tea and gowa. Shortly afterwards Kanzo asked for their seals - and for the advance bargain money. and Hamaoka's seals pass was at

once //

ouce shown. — Whether I handled
this pass or not? I do not remember.
After that, Kanzo asked. "Is this
Hatsuse of Yamaoka Gro as Bonin
or a private man?; or is this the Hom
seal?" for unless we know it to be
a proper seal, it's use may cause
future trouble. I then asked the
guarantors about this, It is not
the Bonin's pass. — The Hom pass
may not be used by any one but
its owner; and as this is already
a seal affixed to a petty paper,
it certainly cannot be used as a
stamp for another paper. — I stated
the substance of the communication
as above, to Kanzo, — I then took
Yamaoka's pass and went out to
have it inspected, which was done
to my satisfaction, and I again
returned and reported, that it was
genuine. — Yamaoka Gro was
called down from Osaca. — came
to Kobe. — I met him there. — I
think the day for signing the
bond, has been postponed. at
which Gro appeared angry. and

and asked the two guarantors for an explanation. - demanding his pass back, if the matter was to be postponed. Hays was then instituting enquiries about Goodman and one day said to me, "Goodman is certainly a Yodo Hun man, - but a work Jew is not of the Han." but having made many enquiries at 6, Dulch. - and, being repeatedly aware of the safety of the transaction, it was arranged to let him have £2 of the originally stated amount. - And this result was made known to him. - While these goods were being unpacked and handed over I and another man who was in Keeping the Storehouse keys attended to it. =

At the time when the bond was received, I was not present. - it was done at the premises from the assurance made up at the boarding house of Mottershead when I received the balance of the instalment

and

and the commissioners. — I then went back to Kanzo's house and according to agreement, the commissioners divided. — I do not remember how this division was made. — as I have lost my memo. made at the time.

With regard to whether the pass was given to Kanzo or not, that, I cannot remember

The above is respectfully stated and is strictly true. —

Meiji 5th year
7th mo. 5th day

Yosizo (B)

Sanitation Police
Head office

To the Court
of Judicial Dept

Enclosure 19.

I hand the following Statement
concerning Yamaoka Yoso
of the former Han relating
to a money loan made
with foreigners, — in reply to
enquiries upon this subject

Mr. Ono was Chiji of the
Yodo Han, , in the 9th mo
of the second year of Meiji
Yamaoka Yoso asked permission
to go to Osaca for foreign
study, & permitted him to go,
and while in Osaca, obtained
in the winter of Meiji 3rd yr. —
he took the Han name,
and contracted for the
loan of a large sum of
money from foreigners,
— This matter requires to
be looked into, and I cannot
his arrest. During his trial,

a

a complaint was received by the Osaca fu from foreigners about the same matter. - and the Osaca fu sending to institute enquiry, we handed Goro over to their jurisdiction.

She Godo Kan has never borrowed cash from foreigners, and pr Kan use. either before or after this date. Goro's position, was as has been stated, and from the time when he left Godo for study at Osaca, he was never for a moment employed as Agent or Treasurer of the Godo Kan.

Meiji 6th year
March 29/73

Onaba Masakuni
Imeshii

In the County
the Judicial Dept

Enclosure No 20.

No sends the following statement about Yamaoka Yuro of the late Han, relating to a money loan contracted with foreigners. —

In the 9th month of 2nd year of Meiji, Yamaoka acted of the Han, permission to go to Osaca for — European study. He was allowed to go. and while he was in Osaca, it is believed sometime in the winter of the 3rd year of Meiji. the Han was made aware of his having forged the Han name upon a bond & promissary note to a large amount. thereupon investigation and during the 1st month of the next year, he was arrested and while the trial was being held, we learned that a complaint had been made to the Osaca fu. by some foreigners, and upon a requisition for him from the Osaca fu, he was delivered over to that Fu. No money has ever been

borrowed from foreigners for the
Han use.

Gross encumbrances and
position, has always since the
day he left Yodo to stay in
Osaca been the same in this
respect — He has never for a
moment held the office of
Treasurer or Agent of the Han.
in Osaca —

Meiji 6th year
3rd mo. 29th day

Nakayama Seiji
resident of Yodo
former Gon Dai Sakan of
Yodo Han. —

Yuji Kanai
resident of Yodo
former Dai Sakan of
Yodo Han

Kaseh Tameto
resident of Yodo
former Shosanji of
Yodo Han

To the Court of
Judicial Dep't

Enclosure No 21.

Yamaoka Gyo,
of house of Yamaoka Matsuzo
Osaka Shimbun
resident of Kioto

In the matter of the guilt of Shimizu re. calling himself Fabisi, a Yodo Han man, and borrowing over 10,000 yens by note bond from foreigners, and Gyo, styles himself Treasurer of the Yodo Han, while re Osaca Shimbun foreign Campaign. - There was a report in the Hen that Gyo had in the name of some foreigner borrowed money from Japanese, and had been sentenced in the Osaca Fu to 10 yrs penal servitude, but the Hen is so far distant from Yodo that we are not positive in this matter. The Yodo Han has never borrowed

any

any money from foreigners
This is my reply. —

Meiji 4th year Godo Kei
11th mo 7th day

To the
Honorable Kyoku
in Okuraho.

This Ken is made aware of the decision above Shimoki of Kioto, and Yamaoka Goro, formerly of this Han, in calling themselves treasurers of the Ken, and borrowing over 10000 ryo as appears by complaints of the Dutch suyets. Schuelze Ken to

But as was stated at an earlier date this case had already been tried in the Osaca fu. hence, this Ken has no concern in the matter.

Thus is noreply.

Hornei Yodo Ken (Seal)

To the
Nanryoke
at Okurachi,-

to 121.

I have the honr. to inform you that the complaints of your merchant Schuetz Reis Leo and Small Baker & Co against Yamaoka and four others, relating to a broken contract for the sale of coals, Lea Celtic Nagasaki, — has upon trial been found to be a claim which can be collected from Gors and his accomplices personally, and that the Han has not nor never has had any connection with it. —

The truth about it is, that it was a purely personal scheme. — Gors and others have been sentenced as per enclosed. —

Sentence has been passed and the funds should be returned but no one of the culprits have the means of doing this. —

So

to other property has all
been confiscated and sold.
with the idea of dividing
the proceeds of such sale,
between both forces. in
partial repayment of their
losses. - and shortly this
will be done. -

You are requested to
inform the two forces of
these facts.

With respect

Meiji 5th year
10th mo 11th day.

Dai Nihon
Shosanji of the
Osaca fu.

To
P. Franck
U.S.A. Consul

Inclosure, der
sentence with Enclosure
No 1. =

Translator

No 154

I have the honr to inform you, with reference to the complaint of your merchants Schultz Reid & Co and Smith Baker & Co. about unlawful acts of Yamaoka Yoo. and Aoki Shumbei, - in a contract to which, Kanagakiya Motosuke and Oya Ichijemon became securities, - for bad, sea, collusion and gouna that, after they had been punished and had their property confiscated and sold (which was notified to you) amounting in all to 221 ms 3 bos - and 125 cash - we have received some of the cash aforesaid - and putting all together - viz,

221 ms 3 bos 125 cash
received from property.
1580 ms 1600,
received back from

from the culprits. - and
other sources. - Ies
172 ves 3 bos & 78 cash
paid to an Englishman
named Klay (Clay) we
hold in this office the
sum of 1869 ves 172 cash
whereone thirth should
be divided between the
two firms as follows
1037 ves 1 bos & 38 ¢
to Schultz Reed & Co
831 ves 3 bos 172 ¢
to Smith Baker & Co
which you will please direct
to both firms. —

No date

Mitsuyoshi,
Doi, Mitsuyosi
Shosaikwan of Osaca fu

(P. Yoak Esqr
U.S. Vice Consul

Enclosure with Letter
No. 154.

Confiscated property

16 Res. 2 Bos	—	525 ℄.	received from Yodo Hau for Gows property
178 "	3 "	300 "	received from Offrey Funamachi for Motonichi's property. —
26.	2½	—	received from Offices of 3rd ward & Road Cache for Ikkiyama property
59.	— ¼	—	received from Offices of Dozimo Ekai machi for Yoshibei property
280.	3½	823 ℄	— Total
1580.	1		Returned money, added, —
1869.	1.	3½ ℄.	Grand Total
1037.	1.	38 ℄	to Schully Res'd C
831.	3	134.	" Smith Baker & C

Original Sum.

18. 200 Res. — less
1869. 1. 3½ ℄ received back & Condemned from sales of property. —

leaves 16. 380. 2. 246½ ℄ the actual Loss.

Note

Note.-

The above names Kenozersky Mototschin's property having been looked over, and his ages examined, it appears that the Town are indebted to him for quite a large sum.-. Of which indebtedness the Government should return 2106 yen. or thereabouts.

The Okrouch has been consulted in this matter, and if possible, these funds will be paid into this affair of Mototschin's age. //

The matter of Hamada
Yoo's loan obtained from
Foreigners having been
settled, it was resolved
to talk with you upon
the subject. — Two requests
for me to appear at the
Foreign office, have been
received, but illness has
prevented me from attending
each time.
Without entering into —
particulars, I beg to state
the following general facts.
It is understood that
Schultz Reis & Co. and Smith
Baker & Co resident merchants
of Hiogo, are dissatisfied
with the judgement rendered
by the Osaca fu. in the
case of their complaint
against

against Yamada Goro.

The result of the second trial was duly imparted to the former Vice Consul P. Frank. and after that, I once more tried the case in my court here.—

The said Gas an —— unofficial person, never did hold the name of Treasurer, and the money derived from the goods, borrowed from the two companies, was all applied to private uses. which is made exceedingly plain. Besides this, there is not one single proof of the statement of both companies, that the money was borrowed for State

Have purposes,
All things considered, the
judgement rendered by
the Osaca fu, is a
very proper one. and,
there is no reason for a
future trial in my
court. The statements
of both companies cannot
be supported. Please
note this. —

If after the receipt of
this, you still desire a
conference upon this
subject, please call at
the Court room of the
Judicial Department in
Tokio. and question and
argue to your entire
satisfaction.

With respect —
Hayakawa Kazunori
Shokanji of the
Judiciary of Osaca.

Meiji 5th year
8th month 29th day

To David Yamada Esq
U.S. Consul

Sarobei's Statement.

In the 10th month of 8th year of Meiji Sasaza Shujiro came to my house and enquired if we had not some goods that could be bought on time, I said we might have, - but must like to know what Hon wants them. He then said the Yodo Hon. - and the office resides with Kimuya Sakubei, in Higashi Ammachi. - Then Sojiro and I went together to Kimuya Sakubei, where Sakubei told us that guest was a Yodo Hon officer.

Kosaburo introduced me to Hamaoka Uno, who told me the Yodo Hon needed funds - and were very desirous of purchasing goods on long credit. - I went to Dubuk 1876, and talked with Nakamuraya Kahei, a clerk - who repeated the conversation to the foregoing. - who ascertaining that Uno was there in Kobe. -

Sent

sent for him, and upon his
arrival at 6 o'c. he entered the
foreigners office with the clerk
and the foreigner, where they
had a long talk. - I waited
outside. Subsequently I —
accompanied Gorō to Sakubei's
when I returned at 6 o'c. - and
enquiring about the affair,
was requested to aid the firm. -

Iwasegah Foreigner's 2nd clerk
was sent to Osaca & make —
enquiries. - and I was asked
to accompany him. - and
the next day we proceeded
thither, and called firstly, upon
Kinozakiya Ukichi, and —
afterwards met awoke Shimmi
at Yamaoka Gorō's house
where we talked of the credit
project. I asked for the plans
of the two offices, and received
them. - Ishijima came on
and I received his also. —

Ibid

Shrd dinner to the Police at his raid. - He returned the next day to Kobe. - I to my home. and Sokojiro to No 6.

The next day I met the clerk Nakamuraya Kahei, at No 6, and related the above circumstances. whereupon the Inspn agreed to make the contract. Yamaoka Goro Awoki Shonoske and the Securities, Kinozakeya Motoichi and Oya Ichijemon, were asked to sign and seal the bond in the Inspns room, which was done. —

Kahei then said, postpone this matter for two or three days. - sell the coal. and pay the cash. - which however was not done. —

The Inspn is the truth. I know nothing about these Yodo Han pams or seals. —

Akoya Jakobei ㊞

Meiji 5th year 7th mo. 6th day

Susheii, Yabu Kori

County Judicial Dept

Kore wa [illegible] makete

Without respect the undermentioned
begs to hand in the following.-

In the early part of the 10th
month of the 3rd year of Meiji,
Goro's servant Kosaburo,-
came to my house, and said
the Yodo Han want to buy
some goods in long credit.
the officers in charge of that
duty is Yamaoka Goro.

"He live at Konegasa
Sakubei's in Joka machi-
If you know of any goods
that may be had in those
terms, kindly inform us
at the same place."

Thinking this proceeding
a little singular, I went to
enquire of Sakubei, whether
his guest was a Yodo Han
man- who gave me good
assurances- and I there went
to Okoza Sakubei's and told
him about the proposition-

who

seems to think the plan a feasible one, and expects advice to meet the Yoda Han people. Saroben and I then went to Honey a Sakubei's and Saroben was introduced to Yamaokaya, by Kosaburo. —

Saroben allowed to this matter until it was closed, and I never mention further about it. —

The frigate is the path. —

With respect

(Signed) Sasaya Shojiro

Deputies Yaben Kore
Nisimoto machi.

Mayor 3rd year
4th mo 6th day,

To the office of the
Judicial Department,

No 28.

Your No 44, relating to a complaint of Messrs merchants Schultz Reis & Co. versus the Gods Act, for a contract signed by Yamaoka Geo, has been received.-

We beg to hand you the enclosed document which is their reply, and which we hope may be satisfactory.

The enclosed copy of contract, forwarded in your letter, is duly returned.

We have the honor
to be Sir
Your most
obedient
Servants
Dodd Mitsuyi
Sho Sanji.-
Yoshije Masazumi
Umedai Sanji
Yokaca fu,

To
Paul Frank Esq
H.B.M. Consul

Sir enclosed document,
see Enclosure marked 13.

White I was friendly with Medaya
Gosiyo, who is a frequent visitor at
American office, he came to my
house one day, and asked me
if I would assist him to sell
about 20,000 lbs matting goods.

I told this to Iwakuniya Masaburo,
who lived in the next street. and
who said, that he had learnt of
the Yodo Maru being in want of,
such. and he would enquire
further. After this Masaburo
saw Yamaoka Shoten - and told me
there was a chance to strike a
bargain. - I then introduced him
to Gosiyo. when he showed me
a copy of Gross pass. -

Fifteen days elapsed but
no word came from No 3. —
when Masaburo and I went
to Kambei's house and told him
then my silence had made
Gross anxious. - and if they
had

made up their minds not to do the things. to say so at once and give the pass back. Then, the value of the goods to be named was fixed at $100 yen, — Tea, cotton, and gloves, and were received by Yamaoka bros. At that time I was in charge of the coolies who moved the goods. — I was not present when the bond was handed in. — I know not whether the Yodo Han seal was used or shown. —

Stated with respect. —

Kimura Jiuroku ㊞
Ryo machi bow 'boyedori
No 4 ward —

Meiji 5th year
4th mo 4th day

Oku no Kichibei ㊞
Sub officer for officer of ward

To the
Sub officer of
Judicial Dep't

Rec'd Aug. 24

Private

Mr. Burlingame

United States Legation, Japan.

YOKOHAMA, July 27th, 1873

My Dear Sir:

Your private note of the 4th of January last, reached me in due course of mail

In accordance with the President's request, I have forwarded my resignation to take effect on the twenty first instant, which I trust reached you on the twelfth instant.

I regret the assurances you have seen fit to convey, that this request was not made by the President from any loss of respect for or confidence in me upon his part

I

Hon. Hamilton Fish
Secretary of State
Washington
D.C.

I beg you to assure him for me that I lay aside my Commission with no other feelings than those of thankfulness to him for having so long honored me by confiding to my care so distinguished a trust.

To yourself, Sir, I beg to return my sincere thanks for your uniform kindness and courtesy. If by any action of my own, I shall in even the smallest manner contributed to aid you in your distinguished Administration of the affairs of your office, and if I still possess your personal confidence and respect, I shall fully amply rewarded for all my labors in this field.

I remain

Sir?

Yours very truly

C. E. De Long

Ack. appmt Ackd Mr Berdan
Aug 26

DEPARTMENT
RECEIVED
MAY
29
1873
OF STATE.

Legation Yokohama

Japan April 22nd 1873

No 383

From

C. E. De Long

Minister

Contents.

Proceedings reported in consulting an abuse on the part of the Japanese Customs authorities in charging the Pacific Mail S.S. Co. an illegal fee

No 383 Delegation Yokohama

Japan April 22nd 1873.

Sir.

I have the honor to inform you that. on the 11th day of October last I received a dispatch from Daniel Tomm. Esq Consul at Kobe (Enclosure No 1) forwarding to me a complaint on the part of the Pacific Mail S S Co addressed to him; communicating the fact that this government was engaged in levying an illegal and a discriminating tax at that port on native Shipsparts by their Steamers. (Enclosure No 2) Also forwarding copies of correspondence upon this part with the local japanese Authorities (Enclosures 3 4. 5. 6. 7. 8.)

1/383

2/383

3 4. 5 & 6 / 383

On the 16th of the same

Hon Hamilton Fish

Secretary of State

Washington DC

month

month I addressed this government a
7/ note upon the subject (Enclosure No 7)
583
This note remained unanswered for a
long time, not however because the Minister
for Foreign Affairs dissented from my views
but on account of the different opinion
of the Minister of Finance under whose
authority this tax had been levied.
Finally however on the 14th of last
month I received a reply from this government
8/ withdrawing the tax. (Enclosure No 8) which
583 reply I communicated to Consul Comer
on the day of its receipt by me
9/ (Enclosure No 9)
583
And on the 20th of last month received
this reply announcing the thanks of the
10/ Agent of the Co. (Enclosure No 10)
583
Trusting to your Excy's approval
I have the honor to remain Sir
Your most obedient Servant
C E DeLong

List of Enclosures.

No 1. Daniel Sumner to C.E. De Long.

No 2. A Letter to Daniel Sumner

No 3. Daniel Sumner to Commission of Customs

No 4 Reply of the Commission

No 5. Sumner again to the Commission

No 6. Commissioners 2nd Reply.

No 7. De Long to Japanese Government

No 8. Reply of Minister for Foreign Affairs

No 9. De Long to Daniel Sumner

No 10 Sumner in reply

C&Surg

U S Consulate

Yokoga Oct. 11th 1872

Sir

I have the honor to hand you herewith copy of a complaint filed in this office by the Agent of the P. M. S.S. Co. marked Enclosure No 1 setting forth that the Customs Department have recently put in force illegal and arbitrary measures which discriminate very decidedly against the interests of this Company and in favor of native Coasting trade which if allowed to continue would ultimately result in throwing the bulk of or the entire trade now controlled by the P. M. S.S. Co into other hands.

I have further to transmit herewith copies of correspondence between myself and the Asst Commissioner of Customs marked respectively Enclosures No 2 3 4 & 5. Enclosure no 3 in answer to my letter of transmittal distinctly acknowledges the illegal charge of

of a fee for permits (to native merchants)
to ship via the P.M.S.S.Co and avoiding in
a marked manner the subject of further
discrimination which is clearly set forth
in the complaint in fact go so far as
to state that the custom has been established
at the port of Yokohama for a length of
time and having been put in force at
this port (by what authority is not stated)
cannot be altered by any authority. Here and
suggesting that should I hold different ideas
upon the subject that there would be no other
redress for me in the interests of my country even
than to lay the matter before your Excellency,
to which letter I promptly replied Enclosure
No 4 expressing my surprise at the acknowledg-
ment and protesting against a continuation
of this breach of Treaty and further calling
his attention to the remainder of the com-
plaint which had been (with apparent intent)
entirely

entirely overlooked. For his reply I respectfully refer you to Enclosure no 5) by which it becomes evident that further correspondence would be of no avail. The illegality of charging a fee for permits is so perfectly plain that it does not require a comment.

In omitting to reply to the further complaint of undue requirements when Order is to be dispatched via the P.M.S.S.Co in my opinion they tacitly acknowledge that such requirements exist:

That the How makers of the Treaty ever intended that such a condition state should exist I cannot believe and in referring the subject to your Excellency I believe there will be little difficulty effecting its speedy settlement

I have the honor to be Sir

H.E. Your most obedient Servant

C.C.De Long Daniel Turner

Pen Cpt & Min Resn. &c H.B.M. Consul

Copy

Agency P. M. S. S. Co.

Hiogo Sept. 7th 1872

Samuel Turner Esqr.

U.S Consul

Hiogo.

Sir

Referring to our recent conversation on the subject I now beg to lay before you the facts connected with the complaint I have to make against the Japanese authorities.

Heretofore it has been the custom when merchandise was shipped from this port to Yokohama or Nagasaki to apply at the Custom House for a permit to ship the goods, and these being Coast-ports no duty was exacted but in lieu of this a certificate was issued to be forwarded to port of destination of the goods, there to be duly certified by the Custom House Authorities that the goods had been landed

Sixty

Sixty days were allowed within which to
produce this certificate of Port of shipment
& on production of same duly certified all bonds
to be held against the goods were cancelled.

An order has recently been put into execution
by the Custom House Authorities at this Port
discriminating against our Steamers in
favor of Japanese vessels which if
allowed to remain in force cannot fail
to ruin the business of the former and
throw it into the hands of the latter

All Japanese now taking out permits
to ship goods by our Steamers for the
Coast Ports of Japan are compelled to
pay 3 koos for each permit also export
duty on silver koos has to be paid
on the goods before shipment and a
landing certificate issued

When the landing certificate duly certified
is returned from Port of destination the

export

export duty is refunded to the shippers

When a Japanese ships goods by a Japanese Steamer however he has neither to pay anything for the permit or to defray the duty. All business with these Steamers being conducted on the old basis as mentioned in the first part of this letter.

The trouble and mis-commence and annoying delays & vexations which Japanese shippers by our Steamers are just to is apparent and in my opinion the sole object of the order is to throw the business from our hands into those of the Japanese Steamers by unfair and arbitrary means.

I beg that you will do all in your power to have the exactions removed

Already the Company has lost a great deal of freight by the enforcement of these export

august measures and all of our
Japanese shippers inform me that
unless something can be done whereby
these restrictions can be removed they
will be compelled to withdraw all
shipments by our Steamers and ship
all their freight by Japanese Steamers.

I am Sir

Your obedient Servant

A Center

Agent

Copy.

No 79. U S Consulate

Hiogo Sept 7th 1872

Sir

I have the honor to call your attention to a very grave complaint laid befor me this day by the Agent of the Pacific Mail Steamship Co a copy of which I have your herewith from which it would appear that the Customs Department at this port has of late adopted stringental measures for the shipment of merchandise from this to other open ports in this Empire. which discriminate very decidedly in favor of Japanese Steamers and directly against the interest of the P. M. S. S. Co and other American shipping in fact against all foreign shipping

I have no desire to intrude or interfere with the reasonable rules of the Customs Department outside of Treaty Stipulations,

but

but must most seriously protest against any regulations of that Department which discriminates in favor of one class of shipping to the disadvantage of others

It is perfectly well known that Japanese freight vessels both Steamers and sailing have already advantages which Europeans have not and the further interference of the authorities in their interest if it really is so is not only irregular unjust and arbitrary in the extreme but calculated to do great damage to Foreign shipping dependant upon the patronage of the merchants doing business in this port.

I shall expect that the same advantages given Japanese vessels at this port be allowed American Steamers and shall look for an assurance to that effect from the Customs Department at

an

an early date.

I have the honor to be

Sir

Your most obedient Servant

Samuel Turner.

U. S. Consul

To

Kotow Date Prov. Cesar.

Asst Commissioner of Customs

Kobe

Copy No 19.

Western Custom House

Kobe 14th day of 8th month 5th year

of Meiji

(16th of September 1872)

To

O. Turner Esqr.

U.S. Consul

Hiogo

Sir

In reply to the contents of your letter dated 7th day of September 1872 I have the honor to inform you that it is now put in force at this port. that the Japanese shall be made to pay to the Custom House a fee for permit when they apply to ship goods on board the foreign vessel but it is not put in force for the purpose of putting the foreign vessels to the inconvenience of their shipping business and that this port is has been commenced according

according to the Regulations at the Custom House in the port of Yokohama where it is since many years put in practice without any complaint or grievance being made by the Treaty Ministers or Consul there.

"If you however have any different idea of this I beg to say that there would be no other means than would report the matter to His Excelleng your Minister because I cannot find a steps to the same in my power under such circumstances as above stated

With compliments

Kotow Zoti Omi

Asst. Commissioner of Customs

House. Kobe

Copy

No 91

U.S Consulate

Hiogo Sept 20th 1872

Sir

I have the honor to acknowledge the receipt of your communication in answer to my letter of the 4th inst- and note with surprise that you acknowledge having enforced prayment of a fee by Japanese merchants for permits to ship and discharge cargoes from and to American vessels.

Such a proceeding is in direct violation of several Treaties and Conventions entered into between the Japanese and foreign governments providing that no fee shall be charged for permits to ship or discharge cargoes in or from Foreign vessels and clearly refers to all cargoes whether shipped by Japanese or Foreign merchants, the fact that this error has existed in Yokohama for a length of time does not in any way justify

justify you in putting it in practice and I must again protest against the continuation of its enforcement here.

I call your attention to my letter of the 4th inst. and its enclosures which were duly answered in part.

For your more particular information in reference to permits to land and ships cargoes. I refer you to Article III page 108 and article VI page 197 Book of Treaties and Conventions between Japan and foreign Nations

I have the honor to be

Your

Your obedient Servant.

Daniel Turner

To U.S. Consul

Kotaro Date Ami Esqr.

Asst Commissioner of Customs

Kobe

Copy

No 23 Western Custom House

24th day of the 8th month

5th year of Meiji

To (26th September 1872)

C Turner Esqr.

U.S. Consul

Hiogo

Sir

I am in receipt of your letter
no 91 informing me again in the
matter that the Japanese shall be
enforced to pay the permit-fee to the
custom House and referring me to the
Treaties and Conventions that the permit-
fee shall not be required from the
foreigner only. I then see it is not-
referring the Treaties & Conventions that the
Japanese shall be enforced to pay the
permit fee to the Custom House.

In conclusion I beg to inform
you

you that although you have stated me that I answered you in part to your last letter and you called my attention to it yet I have no other explanation than I stated in my last letter and that I have not the power to annul the rule to enforce the japanese to pay the permit fee to the Custom House.

With Compliments

Kotow Yate Ami

Asst Commissioner of Customs

Hamee Kohe

No 120. U.S. Legation Yokohama

Japan October 16th 1872.

Shin Excellencies

The Ministers for Foreign Affairs

Yedo Japan

Jon Excellencies

I have the honor to forward for your information herewith copies of some correspondence which has passed between the American Consul at Kobe and your Custom House officials at the same port, relative to the fact that an indirect violation of the existing Trade Regulations by the Customs officials have been charging Japanese shippers of freight on the Pacific Mail S.S. Co's Steamers a fee of ten bus for each permit issued authorizing the shipment of goods from one port in Japan to another and also compelling payment by such shippers of an export and import duties

in

in Selers Bros. an old coin of this country long since called in from circulation by your government and now almost unobtainable

The subject of this complaint is very fully set forth in the letter of Mr Eaton the Agent of the Pacific Mail S.S. Co to the Consul

(Enclosure No 1)

Mr Simms in his note addressed to your Customs officials upon them to the existing provisions of the Treaty and Trade Regulations of which their actions are clearly violative to wit- Article Third page 108. and Article Six page 197. of Bound Volume of Treaty and Conventions between Japan and Foreign Nations

In reply your officials admitted that they were pursuing the course complained of and made no other attempt

attempt to justify or excuse this acts
except by stating that the same rule
was enforced by the Customs officials
in Honolulu, and they refused to act
differently unless directed to do so by
their superior officers.

(See Enclosures Nos 1. 2. 3. & 4.)

I submit in pursuance of my
statement made to you personaly
relative to this matter on yesterday
leave now the honor formally to lay
this matter before you and respectfully
ask that instructions at once be
given to correct this abuse

I have the honor to remain
Sir
Your most obedient Servant
C. E. De Long

Copy

Translation. Department for Foreign Affairs

Tokio the 13th 3 Month 6th Meiji

Your Excellency.

I have the honor to inform your Excellency that when the Japanese Merchants will ship the goods from an open port of Japan to another in a foreign mail steamer the fee for customs permit for the same shall not hereafter be levied

This is brought under your Excellency's notice in reply to your communication of the 16th of October last on this subject. With respect & consideration

Moyno Kagenori

Second Assistant Minister for

Foreign affairs

To

His Excellency.

C E De Long

Envoy Extraordinary and Minister Plenipotentiary

of the U.S.A. in Japan

No 77. Legation Japan

March 14th 1873

Sir.

Referring to your dispatch No 115 of date the 11th of October last with its Enclosures I beg leave to advise you that at once upon its receipt I laid the subject of the illegal action of the Customs Officials of Kobe in changing native shippers of goods by the Pacific Mail Co Steamers before this government and requested instructions against such action in the future

The Minister for Foreign Affairs has been decidedly of my opinion from the outset to the effect that this fee was illegaly charged but until now has been unable to convince the Ministers of Finance of this fact and Dennis Terrie Esq by

Consul. Kobe

Japan

by this means this delay has been occasioned
At last however the Japanese Minister
has assented to our views and this
morning I received a note from the
Minister for Foreign Affairs advising me
of instructions having been issued dis-
-continuing the collection of permit
fees in the future (Enclosure No 1)

Of this please notify the agent of the
Pacific Mail S S Co at your port

I have the honor to remain

Sir

Your Most obedient Servant

C. E. De Long

Copy.

No 84. United States Consulate

at Osaca and Hiogo Japan

Hiogo March 17th 1873

Sir

I have the honor to acknowledge the receipt of your dispatch No 77 of date 14th of March 1873 with its Enclosures.

The Agent of the Pacific Mail S S Co has been advised of the making of the Minister of Foreign Affairs and requests me to present his thanks for your assistance in removing that evil to their interests.

I have the honor to be

Sir

Your Most obedient Servant

To H.E. Daniel Tsmee

Chevy

Envoy Extraordinary & Minister Plenipotentiary

of the U.S. of America in Japan

From Legation Japan
C E DeLong Minister

No 383

Dated April 22nd 1873

Ten Enclosures

Illegal
Charge of the Japanese
Customs officials upon
goods Shipped by the
native Merchants by
American Steamers.
Enclosed

DEPARTMENT
RECEIVED
MAY
23
1873
OF STATE.

Ack May 26 Ack Mr Bancs

Legation Yokohama

Japan April 22 1873.

No 384

From

C E De Long

To Minister

Contents.

Correspondence with Stewart Eldridge relative to his misunderstanding with General Capron—

Legation Japan
April 20th 1874

No 384

Sir:

I have the honor to transmit to you copy of a letter received by me from Stuart Eldridge Esq. the 3rd of January last. (Enclosure No 1) making certain complaints and demands relative to General Capron. 1/384

Of my reply thereto of date the 4th of the same month. (Enclosure No 2) and of his reply to me of date the 9th of said month (Enclosure No 3) 2/384 3/384

I had not intended to transmit this correspondence as trifling and immaterial but upon reflection I have concluded that it should be laid before Hon Hamilton Fish

Secretary of State

Washington DC

before you.

I have the honor to remain

Sir

Your most obedient Servant

C C DeLong

List of Enclosures

No 1. Eldridge to DeLong

No 2 DeLong to Eldridge

No 3. Eldridge in reply.

Copy.

Hon C C De Long

U.S. Minister Yokohama

Dear Sir:

I am informed unofficially but reliably that General K Capron has filed charges of some sort against me with the Heads of the Kaitakishi. I know nothing of the nature of these charges save that among them is that I have written or procured to be written certain attacks on General Capron and the Kaitakishi in the U.S. Newspapers. This I deny in toto. Nor do I know by whom these attacks were originated. I think I have a right to demand a copy of these charges at once - dont you? And further that I be ordered to Yokohama at once if any action is now being taken or to be taken soon. Please understand that it has been the clear understanding hitherto that I was to be Head of the Medical Department.

of

of Kaitaikishin out of this has been changed it has been an act of Capernui Action and I should at once have an opportunity of fighting myself

Very Sincerely My Dear Mr De Long

Stuart Eldridge M.D.

Chief Surg. Kaitakishin

Copy. Legation Japan

January 4th 1873.

Sir

I am in receipt without date asking of me if General Horace Capron has filed charges against you; & praying a desire to have a fair trial if such had been done &c was received by me on yesterday. In reply I beg leave to state that Gen Capron has not of my knowledge filed any charges against you with the Japanese authorities, and certainly has not filed any with me. Should any be filed I shall leave nothing undone to secure you a fair trial, giving you as equal an opportunity in your defence with those who accuse you as I can. I do not believe that the General would seek or desire to have any other course pursued. I beg to assure you that it

for Edmund Eldridge yours

Hakodade Japan

gives me the greatest sorrow to know of the differences which have arisen and which still exist between the officers of this Commission to which the great nations look so hopefully for results of the most important character to both.

In conversation you expressed surprise you severely charging you with having pursued a systematic course of wrong toward him by trying to impair his standing and influence with the Japanese officials, also seeking to produce insubordination amongst the employees of his department &c. which if true certainly would sustain his allegations of ingratitude upon your part, as he selected and appointed you an officer of this Commission under him.

Also such a course instead of being calculated to advance the interest of this

this Commission was selected to subserve, or from your own, is calculated to unite them bringing eventual ruin upon yourself and frustrate entirely the scheme of Japanese advancement by the aid of your Commission

However never failing to remember that no man should be judged until he has been given an opportunity of being heard I have not allowed myself to form any opinion or to take any action except to urge upon the General my wishes to effect a reconciliation if possible It does seem to me that in the great interests of civilization and in support of American influence in this Empire you should both be willing to make some sacrifices to attain this end, and I take the liberty of advising and encouraging upon you the pursuit of a conciliatory course

If you are conscious of having erred in any manner admit and express regret for it. If you

you feel that you have been wronged state your
grievances dispassionately and do not be
exaggerative in your statements. If you
feel inclined to pursue such a course you may
depend upon my putting forth every effort to prevent
further unpleasantness and to avoid the scandal
of this misunderstanding from becoming generally
known. If however I find reconciliation
impossible I shall not hesitate to advise
the Japanese to quickly and thoroughly sift
investigate the whole affair and I will sustain
them in meting out full justice although in doing
it every American Employe should be
dismissed and their places be filled by Europeans
For what at last is dearer to our people than
Commerce is their national honor; which would be
sullied if incompetent unworthy and dishonest
Americans were kept in place by any official influence
merely that the Commerce of our Country might be benefited

I am Sir Your obedient Servant

C. Rodgers

Copy. Jany 9th 1873

Hakodada Japan

Hon S. C. De Long

U.S. Minister

Sir.

Adverting to my note to you per last Steamer in reference to the relations between General Capron and myself I beg leave to state that I had been informed that General Capron had expressed his intention of filing charges against me both with yourself and the Japanese Authorities I am glad to know that I was misinformed for although the relations between Gen Capron and myself have for sometime been far from cordial which I regret as much as any one can I have no desire for controversy or further trouble. I cannot defend myself against the unofficial censure of General Capron expressed by you in conversation as you inform me without entering into a detailed

detailed statement of our differences and this unless it is necessary I have no desire to do. But so far as anything in my conduct may appear to you like ingratitude towards General Capron I beg you to consider that the connexion between that gentleman and myself has been throughout a purely business transaction and that I came to Japan upon his solicitation I frankly — the discussions in the Commission which have I am well aware surprised us all and since my arrival in Yeddo I have endeavored to quietly attend to my own proper business knowing little of that of the others of the Commission.

From the little I can learn I imagine that much that I have said has been exaggerated or garbled in reputation to General Capron and that action for which I was in no way responsible or have even protested

protested against has been ascribed to me

Although I cannot help feeling that I have been wronged and have just felt this there would have been no occasion for this letter I have no wish either to maintain the present unpleasant states of affairs or to increase discord — My letter to you was dictated not by any desire to attack you personally but simply by my impression which I thought well founded that you person was pursuing a course which even if it did not injure me officially was calculated at least to injure the good feeling which I believed you to personally to have toward

Your very obedient Servant

Stewart Eldridge M.D.

Delegation Japan

6 Ex Dr Long Minister

No 384

Dated April 22 1873

Recd Enclosures

Correspondence with S
Eldridge Esq relative to
his misunderstanding
with Gen Horace Capron

Ans. Copy to Ld of Mss May 26

Mr Berdan Dispd 29 May

Ent

DEPARTMENT RECEIVED MAY 23 1873 OF STATE.

Legation Yokohama

Japan April 22nd 1873.

No 385

From

C E De Long.

Minister

Contents

Japanese Govmnt sends a pensnt to Major Ingersoll Mls Ordnance Department Washington.

No 385 Legation Japan

April 22 1873.

Sir

I have the honor to inform you that in the month of February last I received a Note from the War Department of this Government accompanied by two cases one containing a Flower Stand and the other a Bowl.

The translator could not learn from the original Letter who these things were intended for but after a great deal of delay I received another note as a substitute for the first one (Enclosure No 1) by which it appears that the articles are presented to one Major Ingersoll Ord. Ordnance Department Washington in return for a present of Hon Hamilton Fish

Secretary of State
Washington D C

1/385

some ammi. — I have just written to the Pacific Mail Office for a Bill of Lading for the Articles which I will enclose when received. (Enclosure No 2)

2/
383

I take the liberty of sending the articles to the care of your Department as I presume the present is ready intended for our War Department.

I have the honor to remain

Sir

Your most obedient Servant

C. E. De Long

P.S. I have just received a reply from the Mail Office to the effect that no more freight can be received on board of the vessel I will therefore send the goods as freight received by the next opportunity

Copy

Translation.

Your Excellency.

I have the honor to bring to your notice the fact that several Remington Rifles and other articles have been received from your War Department by our Brigadier General Yamada whilst traveling in America

An enumeration is given below.

General Yamada was traveling at the time and not being able to retain charge of the same Major Ingersoll Ord. Ordnance Dept. kindly volunteered to forward the same to Japan and they were received here on the 10th day of April 1872

I thank Major Edward Ingersoll for his kindness and embrace the same Hon. C. E. de Long opportunity

Envoy Extraordinary and Minister Plenipotentiary &c. &c. in Japan

opportunity to forward for his acceptance several articles which I beg to request you to forward to that gentleman whenever it may be convenient for you to do so

With respect & Consideration

Yamagata Aiboki

Vice Minister for War

Meiji 6° Year.

February 1873.

List of Articles received.

4 Remington Rifles 1471. Cartridges

4 Do Carbines

2 Pair Side Pistol 1008.

Other Articles were mentioned in the manifest accompanying the Rifles but none other than those enumerated above were received.

List forwarded to H.S. July 1873.

A Flower Stand

A Round Bowl.

Code
May 24 ack

Mr Bodisco

U.S. Legation Yokohama

Japan April 23 1873

DEPARTMENT
RECEIVED
MAY
23
1873
OF STATE.

No 380.

From

C E De Long

Contents.

Forwarding Copy of Telegram assigning
my office.

No 386. U.S. Legation Yokohama

Japan April 23d 1873

Sir

I have the honor to inform you that on the fifth day of this month I telegraphed you as follows.

"Yokohama Japan

April 5th 1873

Secretary of State

Washington

District Columbia"

"As requested in your private letter I place my resignation in hands of the President

De Long".

I have the honor to remain

Sir

Your most obedient Servant

C.E. De Long

Hon

Hamilton Fish

Secretary of State

Washington D.C

No. Legation

Japan

E. E. Dickins
Minister

No 386
Yeddo 23 1873

(Transmits a
copy of Telegram
resigns my
office

ack^d file Dr Berdan

Legation of the United States
No 381 in Japan.

Yokohama April 28. 1873.



From

C. E. DeLong

United States Minister

Contents

Reply to instruction No 176. and
report of my proceedings thereunder.

Legation of the United States
No 387 in Japan
Yokohama April 28. 1873.

Sir;

Acknowledging the receipt of your instruction No 176. of date the 26th of February last, I beg leave to advise you that I have instructed Consul Shepard as (Enclosure No 1)
1/387 directed, and also given similar instructions to all the United States Consular officers in this
2/387 Empire. (as per enclosure No 2 instruction to Consul Jones)

Honorable
Hamilton Fish
Secretary of State
Washington D.C.

In

In explanation of my action in instructing Consul Shepard to enforce Sections 1 and 2 of Consular Court Regulations, I beg to say: that, by the provisions of Section 5. of the Act of June 22nd 1860, it is provided that "regulations promulgated by the Minister are made to become "binding and obligatory until "annulled or modified by Congress."

In your number 48. in discussing the code of regulations adopted by me, you say that you will "therefore submit the regulations "transmitted by you, to Congress, for "revision, without assuming for "myself the power or the duty of "disapproving or amending them.

I

"I however think it my duty to call
"the attention of Congress to certain
"of the regulations which may be
"thought to transcend the authority
"delegated to a Minister, or that of
"the Secretary of State in countries
"to which no Minister is accredited."

This language in your instruction led me to understand that you disclaimed distinctly any power or authority in your office, to approve or disapprove of Consular Court Regulations.

legislating may extend to the powers conferred on

Further in the same instruction, you make use of the following language, when speaking of the particular regulation now in question.

"This may be a very desirable
"regulation but it will be —

Mr. Hall to Mr. Adams
to Secretary of Legation
Yokohama, 1 January 1871

"submitted to the judgement of
"Congress, whether it be not
"of a purely legislative character
"directing private rights in a
"manner not authorized by
"Congress nor so far as known, by
"the Government of Japan."

In this language, I again
found confirmation of my
views as to the meaning of
your instruction, even with
regard to a regulation which
you doubted my power to
issue.

In my number 141. of the
28th of January 1871. I replied
setting forth the reasons which
in my judgement rendered such
regulations necessary, to which

you again replied in your No 88.
of the 20th of May 1871. wherein
you state with reference to your
previous instruction, as follows.—
"These remarks were intended to —
"accompany, and did accompany the
"message of the President submitting
"the regulations to the consideration of
"Congress. They were designed to attract
"if possible the attention of Congress
"to the doubts and difficulties which
"embarrass our Diplomatic and
"Consular officers in the exercise of
"their judicial functions in
"Mohammedan and Pagan countries
"and to induce appropriate
"legislation to supply the lack of
"legislative power in those offices.
"I was accordingly more —

" solicitous to indicate all of the
" points upon which it seems
" possible to raise a doubt or
" objection than to express my
" personal judgement, which would
" agree with your own, as to the
" expediency of more than one of the
" regulations the confirmation of
" which by Congress, is desirable
" to preclude a question as to their
" binding force."

In your number 36. of the 20th of October 1870. in treating of this question of registration, even before I had promulgated any rules upon the subject, you instructed me as follows.

" The registry of Firms or
" Commercial Names at the

"the Consulates is inadmissable.
Individual citizens of the United States
only are to be registered".

From this instruction, I was led to
believe that it was the duty of
citizens to register, and of Consuls to
register them, hence, I promulgated
Regulations 1st 2.

When I submitted them to you, and
you declined in express language to
amend or disapprove them, although
suggesting a doubt with reference
to the legality of the ones in question,
but referred the whole matter to
Congress, assuring me in a second
dispatch that your only object
in raising the objections you did,
having been to induce appropriate
legislation, and distinctly disclaiming

any intention on your part to
express any personal opinion. I
was led to believe that your
construction of the law and your
instruction to me was that in Papal
countries where the United States
had no diplomatic representative you
were to promulgate regulations,
giving them the force and effect
of law until annulled by Congress,
and that in such countries where
the United States had a diplomatic
representative he was vested with
similar powers, Congress being in
each case the sole Arbiter and
Judge of the legality or expediency of
such regulations as might be issued.

Under such circumstances, I
received a dispatch from the

Shepard, stating, that, "During
"the hearing today in the Consular
"Court, upon a summons issued
"against him for non-registration
"Mr. E. Perkins Smith stated that
"the particular section of the
"Consular Court Regulations
"requiring American citizens to registe
"had been disapproved by the
"Department of State, and that
"such disapproval had been
"communicated to you.

"I have the honor therefore
"respectfully to ask whether or not
"such a statement has foundation,
"and whether or not upon the files
"of the Legation there exists any
"approval or disapproval of all
"or any part of the Court

"Regulations decreed by yourself"
and I beg to ask you from a perusal
of this statement if I was not
justified in saying there had been
no disapproval and that the
authority to annul them was vested
in Congress.

I confess that an examination of the
dispatch I addressed to Mr Stuart
convinces me that my language
was unnecessarily harsh and
abrupt especially in consideration
of the fact that it was intended
to be made public. But in excuse
for this I beg to state that I
felt stung by the insinuation
contained in Mr Smith's remarks
in court which also having
been made public annoyed

the impression that in palpable violations of my instructions, I was allowing the enforcement of regulations that had been disapproved by you.

I certainly did not mean to convey the impression that I held myself independent of your criticisms, and I deeply regret that just prior to my departure from this office, I should have been subjected to the severe criticisms contained in the fourth sub-division of your instruction.

I assert without fear of contradiction that no man has ever more immediately followed the instructions of his Chiefs than I have yours, in all cases as

as I have understood them.

To trespass upon your patience for a moment longer, I beg to point out to you my reasons for presuming that I had the authority to promulgate the regulations relative to registration.

The extensive quotations from the statutes contained in your st of 176. show that the general idea of the law was that the Minister should have the power to organize and carry into effect a system of jurisprudence demanded by the treaties. So to do this within the rule of all Statutes, Assessors to assist the Consular Officers are required. Such Assessors of course must be American citizens. The

Mr. A referring practice in the Courts -

The Council must have some way of knowing who are and who are not citizens of the United States. Also parties to actions are entitled to the same information. In the election of Assessors. It seemed to me that in justice, some rule should be laid down assimilating as nearly as possible to our practice relative to the selection of Jurors and was incidental to the organization and carrying into effect of a system of jurisprudence. A glance at the Code of Regulations which I promulgated will convince you that it was based in its operations upon a registry

list to be kept by each Enrol-
ment which, assessors were to
be selected by lot. and thus
fair and impartial trial, secured.
and I respectfully submit that
with the 1st and 2nd sections
nullified as they now stand
the whole code is, and must
of necessity become inoperative.
I do not understand what
injustice it works to an individual
to compel him to register for
which no fee is charged,
whereas: it at once places him
under the recognized jurisdiction
of the Officers of his country.
When I first arrived at my
post of duty, one of the
most earnest complaints

addressed to me, was, that, some of our Consular Officers were in the habit in important cases of practically nullifying the Statute relative to Assessors by selecting creatures of their own, who would in no case dissent from their opinion. And I was earnestly besought to provide a remedy for this evil. This I attempted to do by providing first, that all + citizens should register. - next, that a list of Assessors should be made up yearly from the register list, and lastly, that when Assessors were required, the names of all persons upon such list should be inscribed

upon ballots, deposited in a box, and the Assessors drawn for in the presence of the parties. thus securing a fair and impartial corps of assistants to the Consul.

This system has worked well, and without complaint so far as I know except in this case, and I beg you to consider once again seriously, if my right to do this does not necessarily flow from the authority given me to organize and carry into effect a system of jurisprudence. and does not this system harmonize as nearly as it can be made to do, with our jury system

at home? and if upon
reflection, you still consider
the authority to do this, wanting,
will you kindly inform me
how to revise the code of
regulations relative to the
election of Assessors in a
manner more conformable to
your ideas.

I have the honor
to be, Sir,
Your obedient Servant
C. E. De Long

List of Enclosures
No 1 Lubbock instruction to Consul Shepard
2 same to Consul Simon

No 111 Legation of the United States

Yokohama April 28th 1879

Sir

I have the honor to inform you of the receipt by me of an instruction by the last mail, from the Honorable Secretary of State disapproving of your action in compelling Wm. C. Peshine Smith to enroll his name upon your Consular Register and of my action in counselling you that you had such jurisdictional rights.

The instruction proceeds farther and invalidates the force and effect of Sections 1 & 2 of the Consular Court Regulations of this jurisdiction.

You are therefore instructed in the future not to enforce the same upon American

C O Shepard Esq

U S. Consul

Kanagawa.

Japan

American Citizens within your Consular
jurisdiction.

I have the honor to remain

Sir

Your most obedient Servant

C E DeLong

Copy

No 112 Legation of the United States

Yokohama - April 28th 1873

Sir

I have the honor to inform you of the receipt by me by last mail of an instruction from the Honorable Secretary of State disapproving of Consul Shepard's action in compelling Mr. E. Leshmi Smith to enroll his name upon his Consular Register and of my action in counselling him that he had such jurisdictional rights.

The instruction proceeds further and invalidates the force and effect of Sections 1 and 2 of the Consular Court Regulations of this jurisdiction

You are therefore instructed in the future not to enforce the same upon Daniel Turner Esq.

U.S. Consul

Hiogo & Osaca

upon American citizens within your jurisdiction.

I have the honor to remain

Sir

Your most obedient Servant

C E De Long

U. S. Minister
to Japan

No 38 [illegible]

Inclosure:

Dated Apr. 28 1873

Subject
Penalty for imprisonment
of citizens

ask^

W/ Jordan

Legation of the United States

No 388 in Japan

Yokohama April 29. 1873

From

C. E. Delong

United States Minister



Contents

Acknowledging the receipt of Instructions

Legation of the United States
No 388. in Japan
Yokohama April 29. 1873.

Sir

I have the honor to acknowledge the receipt by the steamer which arrived here on the 27th inst. of your instructions Nos. 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, and 187; also of your Circulars No 31 of February 11th 1873. and No 32 of February 4th 1873.

I have the honor to remain
Sir - Your obt servant.
C E DeLong

Hon. Hamilton Fish
Secretary of State
Washington D.C.

U.S. Legation Japan

B. E. Dudley
Minister

No 358

Dated April 29. 1873

Contents

Acknowledging the
receipt of instructions

Ackn. appmt June 12 acted

Mr. Bingham

Legation of the United States

No 389 to Japan

Yokohama April 29. 1873.

DEPARTMENT OF STATE RECEIVED JUN 9 1873

From

C. E. De Long

United States Minister

Contents

Reply to instruction No 177. relative to the proposed annexation of Hawaii to Japan. Have asked to be relieved from further charge of Hawaiian business.

Legation of the United States

No 389 in Japan

Yokohama April 29. 1873

Sir

In reply to your request for further information about the proposed annexation of Hawaii by Japan, I beg to say, that the fact information I derived, was by some newspapers from Honolulu containing the report of a public meeting, at which this scheme was advocated.

Next, I learned from the late Ex. Gen. Reed then Consul General Hawaii for

Hamilton Fish

Secretary of State

Washington D.C.

for Hawaii in this Empire, that he had received private advices urging him to sound the Japanese officials mind upon this subject, which he had done, and found the authorities strongly inclined to favor the proposal.

I then mentioned the subject to Mr Soyeshima in an unofficial manner, to learn his views upon the subject, and discover what proportions the movement had assumed. He assured me that he had never heard the subject mentioned before, but seemed strongly inclined to favor the proposal. if one should be made to him officially. This all occurred before the election of the present Sovereign of Hawaii, and

I not knowing how earnest the
movement might suddenly become,
felt called upon to obtain your
instructions without delay.
The movement at the time, for
what I could learn, was quietly
advocated by the capitalists of Hawaii,
as a method to enable them to obtain
a needed supply of laborers.
In this connection, it may be well
for me to mention that at the same
time, I was shown official despatches
received by Mr Van Reed, directing him
to take some steps toward assisting
a Commissioner who was to visit
this Empire, to obtain an emigration
of laborers. to that country.
Fearing that this movement was
really in the direction of the

the establishment of a coolie trade,
I felt called upon at once to ask the
Hawaiian Government to release me
from longer conducting its business
here, which I did by a note dated
1/389 the 18th January last (Enclosure No 1)
to which by the last mail, I received a
2/389 reply (Enclosure No 2)
To this correspondence I invite your
attention, in justification of my
views and convictions, relative to
the coolie trade.

I have the honor to remain

Sir,

Your most obedient Servant

C E De Long

List of Enclosures

No 1. Desp. to Hawaiian Govt asking the release from further service for Hawaii

No 2. Reply of the Hawaiian Government thereto.

Copy

No 14 Legation of the United States

Yokohama January 18th 1873

To His Excellency

Fred N. Hutchinson

Minister for Foreign Affairs

Honolulu Hawaii

Your Excellency

I have the honor to acknowledge the receipt of your kind dispatch of date the 25th of November 1872 with its enclosures and to inform you that I have this day forwarded the commission and instruction to Mr C. L. Fisher at Nagasaki.

I beg leave also to advise you that I received a communication from Mr. E. M. Van Reed enclosing a note for the Minister for Foreign Affairs of this Empire advising him of his intended departure on the next mail for Hawaii on account

account of ill health tendering his thanks
for recent civilities extended to him while
in the interior to which as requested
by him I forwarded to the Minister at
the same time also thanking them for their
courtesy in the name of the Hawaiian
Kingdom: I beg to assure you that no
apology on your part was necessary
for not advising me of your having sent
a commission as Consul General to Mr
E. M. Van Reed. I was delighted to have
him thus honored and empowered
I fear His Majesty the King and yourself
place too high an estimate upon the
services I have rendered the Hawaiian
Government in this field but I accept the
thanks tendered with sincere appreciation
and gratitude.

From Mr. Van Reed I have received
for examination some correspondence
upon

upon your part and alters me your
enemy touching an effort contemplated
to be made to obtain laborers from here
& also observe in the Honolulu papers reports
of the proceedings of meetings held to
consider this subject.

This information relative to the
objects and intentions of your Government
and people advises me of my inability
to serve your interests.

You are doubtless well aware that the
United States Government in common with
a majority of the leading European powers
has set its face strongly against the
so called "Coolie Trade" in any of its
aspects. My government has legislated
relative to it and I am under instructions
of the most binding nature directing
me to lend all my influence against
it. Under such circumstances I feel
my

my position to be a false one in acting for the Hawaiian Kingdom which asks to carry out what the United States would prevent: So long as nothing was attempted or desired by your government in which I could not serve you it has ever been a great pleasure to me to extend any good offices in the dispatch of your business for in all sincerity I have ever felt and still feel the liveliest interest in the prosperity of Hawaii; but when I see that the logic of events is involving your Government in the necessity of attempting to carry out measures to uphold my own government as opposed, duty to you and justice to the United States requires that I should at once as I do with great regret and profound respect ask Her Majesty to release me from the

the duty of acting for the Hawaiian Kingdom in this Empire. I sincerely believe that such Japanese as have emigrated to Hawaii have bettered their condition and that if others if they went there would do the same. I realize the urgent necessity that exists for your Government to induce emigration to Hawaii from sources and also believe that your climate soil and productions engenders no other class of emigrants are to be as much desired as Japanese And in aid of any free labor movement having the knowledge and consent of the Japanese Government I would lend all the influence I could command but any proposition other than that can obtain nothing but my frown and censure of proceeding. I trust that

Your

you will make any news known to
His Majesty at the same time intending
my assurances that at all time hereafter
as heretofore whenever it is in my power
consistent with my duties as Minister
of the United States I shall be happy
to lend any aid or perform any service
in promotion of the honor and power of
His Majesty's Government.

I beg you sir to accept
the renewed assurances of my high
consideration

C. E. Delong

Copy

Department for Foreign Affairs

Honolulu March 19th 1873

Sir

Your Excellencys dispatch No 19 of the 18th of January last is received.

Her Majesty being out of the City I am unable to lay your communication before him, but I am aware that he has great confidence in your sound judgment and in your good will, toward his Government and people; and that he would much prefer that you would not resign the position that you accepted under his predecessor and which he had hoped to have you retain. But of course he cannot and will not expect or request you to accept or retain a position that is in any degree inconsistant with your duty to the great

C Edersong and

Con Ct & Min. Plen of United States
in Japan

and friendly Government which you have the honor to serve with as much ability as that could in any way embarrass Your Excellency. Referring to the dispatch of Nov. 5th 1862 from this Department to the late C. M. Van Reed His Majesty's Consul General to which you allude let me call your attention to the 2nd point in it "The bringing here of families for the purposes of settling on our uncultivated lands" which is a project which some prominent persons consider practicable and in which His late Majesty sympathized and that will be acted upon if it should seem possible to succeed in it.

Emigration of Japanese to this country under such circumstances and for such an object would I doubt not receive the approval of the Representatives of all the Great Powers. It has not been

nor

nor will it be the purpose of His Majestys
Government to aid or encourage any scheme
of emigration from Japan that should not
have the full concurrence of the authorities
of that country or that should not be
in all respects honorable to and perfectly
understood by all parties interested.

It is unnecessary to repeat to Your
Excellency the statement that those Japanese
who came here several years ago under
contracts greatly improved their conditions
by their enterprise and that many more
might come under similar engagements
with equal or greater advantages to
themselves and with ultimate advantage
to their country, for as you know it is true.

It is unfortunate both for the laborer
and employer for Japan and Hawaii
that all engagements to emigrate under
a contract for a limited term of service

si called "Coolie Trade" and indiscriminately condemned without regard to variety of circumstances & conditions under which the engagements are made and executed.

Japanese men and women can find good employment fair pay and good treatment in this country as laborers on plantations in Mechanic shops and as house servants and this Government will give them full protection in all their rights the same as it does the native and other subjects of His Majesty and when they wish to return to their native land they can easily do so the distance being comparatively short and the expense small.

Thanking Your Excellency again for valuable services in the past and for your expressions of friendly regard for and willingness to serve this Majesty's

Government in the future so far as you can consistently with your duty as Minister of the United States, I improve this opportunity to express the high consideration and respect with which

I have the honor to be

Your Excellency

Most obedient Servant

Chas. R. Bishop

U.S. Legation in Japan

C. E. Dehring
Minister

No 389.

Dated Apr 29. 1873.

Two Inclosures

Contents.

Reply to instruction
No 149. about
Hawaiian matters

Sub-enclosure No. 1 to Desp. No. 390.

Legation of the United States
in Japan

Yokohama April 29. 1873.

From

C. E. DeLong

United States Minister

Contents

Relative to dismissal of Major Aly,
transferred from the service of the Japanese
Government and adjustment of the
affair by the Japanese Authorities.

DEPARTMENT OF STATE RECEIVED MAY 9 1873

Legation of the United States

to 390 in Japan

Yokohama April 29. 1873.

Sir,

I have the honor to advise you that on the 9th of last January. I received a note from Major A.L. 1/390 Nasfield (Enclosure No 1) advising me that he had been summarily dismissed from the Japanese employment, and asking my intervention, that the matter might be enquired into and properly adjusted.

On the same day I addressed the Honble

Hamilton Fish

Secretary of State

Washington D.C.

the Japanese Government a note enclosing copy of Mayfield's communication, and suggesting an interview (unofficial) between the Minister for Foreign affairs, Viscount Kuroda (by whom Mayn Mayfield had been dismissed) and myself with a view of either amicably adjusting the affair, or at least to obtain authentic information as to the facts of the case before I should be called upon to take officials

3/390 action. (Enclosure No 2)

On the 6th of March last, before I had received any reply to my communication I was shown by Mayn Mayfield a private note from Mr Ishitachi the Interpreter of the Foreign Office addressed

to him, notifying him that Gresm
Kuroda declined the interview I
had sought. Upon the receipt of
which information, I again
addressed the Minister for Foreign
Affairs, advising him of this,
and also that Mayer Walfied
denied the charges that Gresm
Kuroda had preferred against him
and excluded by requesting
him to thoroughly investigate the
matter, and report the evidence
and his conclusions to me, that
I in turn might lay the same
3/590 before you. for your information
(Inclosure No 3)

On the 20th of March, I received
a reply from the Minister
consenting to an investigation

(Enclosure No 4) accompanying 4/390
which, he also forwarded a statement
of the charges which the Govmr.
has preferred against Major Mayne.
marked "A" and "B". 5/390
(Enclosures Nos 5 & 6.) 6/390
~~Some~~ On the 20th Inst, asking
that the charges might be made more
specific and a day fixed for the
examination (Encl. No 7) A few days — 7/390
afterwards the Minister informed me
verbally that Govmr Kunda desired
to meet me at the Foreign office
to there make a statement fully
and succinctly of the charges he
had to prefer against the Major.
Accordingly on the 31st ult, I
accompanied by Mr. Rice the —
interview was held. of the —

proceedings at which, I send you a
memorandum (Enclosure to No. 8)

It was then agreed, that within
a few days and prior to the
departure of General Capim's
assistants for Yezo, that another
interview should be held and they
be interrogated.

On the 8th inst. Mr. Ueno, enquired
of me whether Mayor Nagaiki
was still willing to adjust the
matter in some unofficial and
amicable manner, as he had
declared himself to be at the
outset of the proceedings - at the
same time, however, advising
me, that it would be impossible
for the Department to take him
back in his former position as

Lieut. Nason had been appointed to fill that office. I replied by Saturday that, I would see Major Warfield and communicate his reply. which I did, and upon being assured by Mr. Warfield that he was quite willing to accept any settlement that either General Caprow or myself would recommend him to, I so informed Mr Myers by a private note

On the 22nd instant, I received a note from the Minister offering Mr. Warfield the most liberal and honorable settlement (Enclosure to 9.) which note 9/590 was accompanied by cheques for the amount tendered.

On the 23rd instant, I —

I informed Mr Mayfield of this
tender and recommended his
10/90 acceptance of the same (Enclosure
No 10.) to which Mr Mayfield on the
same day replied accepting the
11/90 offer and the money (Enclosure No 11)
Today I have addressed the
Japanese Government a note
17/90 advising them of this. —
(Enclosure No 12)
In my conduct of this business,
I sincerely trust, I may receive
your approval.
I felt that I could do no less -
on behalf of one of our people,
who had entered the service of
this Government, to fill a high
and honorable position, who
had been summarily dismissed

without an assignment of charges being preferred against him, who had been granted no examination or trial, and even denied a private interview by the Chief of the Department. — than to ask for such an examination, that I might subsequently submit the case to you in an intelligent form for instruction.

From General Capron, and all the other foreign employees associated with Mr Warfield in his labors I learned that Mr Warfield had proven himself a most excellent and efficient officer, whose labors had given the highest satisfaction

to the Japanese up to the very
date of his dismissal, which
dismissal had been occasioned by
his becoming intoxicated and
acting boisterously at a dinner
party given by some Japanese
Officials in Fez. at which he
was an invited guest.

I felt that it was important
in another respect viz: to
arrive at some understanding
with this Government as to its
power, and the limits of its power
to dismiss citizens of our country
under contract with it.

I claimed that the punishment
of dismissal was one which
it never only exercise, when the
person employed should fail or

refuse, or prove incompetent to discharge the duties of his office, or upon conviction of some crime offense against law or morality which conviction I claimed must be obtained in an American Court.

I thought proper this question out of concern, for the interests of all Americans who had, or who might hereafter enter the Japanese service, — more particularly, — than from a desire to serve Mr. Harper, and I think I have obtained a recognition of this principle.

When a settlement was tendered, I advised its acceptance, but I trust this circumstance will not in your view place this

this
matter within the rule of the
instructions you have been to give
letters relative to the collection of
claims.

I have the honor to remain

Sir

Your most obedient Servant

C E De Long

List of Enclosures. —

No 1. Note from Warfield advising
having been dismissed —

2. My note to Japanese Government
forwarding the same.

3. My note to same. — stating that
Warfield dismissed the charges, and
asking for an investigation

4 Reply of Japanese Ministers
forwarding statement of charges

to 5 & 6. Charges against Mayor Mayfield.

to 7. My note asking that a day for examination may there be fixed

8. Memorandum of interview held to examine into the same

9 Note of Japanese Minister offering a liberal settlement

10 My note to Mr Mayfield advising his acceptance of the tender.

11 Mr Mayfield's reply accepting the same

12 My note to Japanese Minister advising him of such acceptance.

Copy

Tokei Japan

Jan 9th 1873

Sir

I beg leave to advise you that owing to some indiscreet action of my own which in fact a misunderstanding has arisen between His Excellency Governor Kuroda and myself influenced by which three officers of the Kailockahi have served me with a notice of dismissal from the Japanese services, which notice however I have declined ~~to~~ accept or be governed by. I beg you therefore to officialy call this matter up for investigation and adjustment sincerely hoping that by your good offices the affair may be arranged to the satisfaction as well of His Excellency Governor

Kuroda

Kuroda as of myself.

In conclusion I beg you to communicate to this Government my assurances of deep regret for what has occurred and beg leave to submit myself through you to any such censure as I may deserve and to accept such conditions as may be thought proper.

Very Respectfully

A. G. Warfield

Hon C. E. De Long

U. S. Minister to Japan

Copy
No 3 U. S. Legation Yokohama

January 9th 1873

To Their Excellencies

The Ministers for Foreign Affairs

Your Excellencies

I have the honor to enclose for your information copy of a note received by me this morning from Major A. G. Warfield relative to a misunderstanding that has arisen between the Kaitockshi and himself and I beg you to communicate the same to His Excellency Governor Kuroda for his consideration and action.

If it could be arranged with the concurrence of the Governor for himself Your Excellencies and myself to meet preliminarily and discuss this affair such action I hope might result

m

in our being able to arrive at an understanding satisfactory to all without necessitating any more ceremonious action calculated to give pain and annoyance to us all

I have the honor to remain

Sir

Your most obedient Servant

C E DeLong

Leafing

No 29 United States Legation

Japan March 6th 1873

His Excellency

Ooyeno Gaimu Shoyu

Foreign affairs Tokei

Sir Excellency

Referring to my letter

No 3 of date the 9th of January last-

submitting for your information a

copy of a note received from Major

R. G. Warfield I now have the honor

to advise your Excellency that this

morning Mr. Warfield has shown me

a letter addressed to him by Mr

Sakibashi of your office in which

he states that he is directed by your

that Governor Kuroda declines to meet-

Mr Warfield and myself for the purpose

of discussing the subject of their differences.

As

As this is I suppose to be considered as putting an end to all attempts to quietly and unofficialy settle this matter which I know your Excellency has so earnestly desired and labored for it now remains for you to take such official action in the premises as may seem proper to you after a full and fair investigation into all of the circumstances after which I trust you will report your conclusions and directions to me that I may advise Major Warfield of the same and also forward the same to my Government for its information.

I beg leave further to advise your Excellency that the United States Interpreter Mr. Rice a few days since showed me a note upon this subject which you received from Governor Kuroda

and

and which you were so kind as to ask him to show me. This note I hold subject to your order but would crave permission to take a copy of the same for my files.

By this note I understand your Dept. to have decided that Major Warfield may not be legally dismissed upon the grounds originally assigned by Mr. Kuroda for his discharge and that he the Governor now assigns new grounds.

I beg to state that Major Warfield entirely denies the truth of the last assigned reasons and requests to ask at your hands a speedy investigation relative to all the charges preferred against him to the end that he may have the final decision of

Your

of our Government at the earliest
possible moment.

I have the honor to remain

Sir

Your most obedient Servant

C. E. De Long

Copy of translation

Department for Foreign Affairs

Tokei 19th 3rd Month 6th year

Meiji

Sir

I have the honor to acknowledge the receipt of your Excellencies note dated the 6th stating that the matters of difference between Mr Warfield and the Kaitakushi must be officialy decided as Mr Kuroda declines to meet Mr. Warfield and yourself for the purpose of discussing them and which matters Your Excellency would like to have settled quietly and unofficialy.

The reason why the Kaitakushi discharged Mr Warfield from their service is that he had violated the article of contract as shown in the accompanying

Copies

copies marked "A" and the action taken by the Kaitoekshi is plainly shown in the accompanying copies marked "B" and it seems to me that there is no reason why Mr Warfield should complain.

But referring to the contents of your note I sent word to the Kaitoekshi instructing them to produce their witnesses in the matter in order to investigate all circumstances.

I received the reply that those persons were now in Cokrekaido and that there being no ship communications at present they have to come overland and that it might take about 30 days for them to arrive here. Should Mr Warfield persist in his desire to have his matter further investigated I will notify you of the day fixed upon for

for the investigation. But I beg your will first explain to him the contents of the accompanying notes

I have the honor to remain

Sir

Your most obedient Servant

Ayusa Kagenori

Second Asst Minister

for Foreign Affairs.

To H.E.

C. E De Long

Envoy Extraordinary and Minister Plen of U.S.

P.S. I beg you will return the note from Mr. Kuroda which I showed you the other day through Mr Rice.

WSB

Translation;

A

With reference to your question, The offences against the peace committed by Major Warfield, may be left for after consideration but there are 4 points in the contract under which he is liable.

Article 4 of Contract says;

"Upon neglect of his duties as Chief Engineer
" the Contract may be cancelled, and his
" salary paid up to date of such action."

On the 25th of 9th mo of last year, while laying out land near Teitoseh in Ishikari province, within Aorai ds, the Major left his work and went upon personal business to Sapporo. He remained in Sapporo during the 26th and on the 27th preparations were made to move the work to Simaoper, but the Major was intoxicated during the

the previous night and on this (27th) morning, created a disturbance, and he remained in Sapporo throughout that day also. - by this, he "neglected his duty." Article 1 of contract says.

"He is to obey the orders of Kaitaku of "Hokkaido, branch of the Japanese "Government." but with regard to his disobedience of this article,

On the 4th of 10th mo. of last year, Kaitaku Hankwan Uwamura Mitoutosi ordered Major Nagel by letter, to proceed to Sapporo. The Major was at Iwiaapu and had an Interpreter with him but as there was no translation accompanying this letter, the Major refused compliance with the order contained therein. and on the following day went to Saitoseh.

The above named Hankwan. in the above

of the Jikiwan has temporarily the authority of the latter, hence the order of the Hanikwan was to be considered the order of the Kaitakushi.

These two complaints (representations) are without question quite sufficient for the Major's discharge. which I beg you will state to the American Minister.

But besides the forgoing. the Major shot and killed dogs were in hunting by the Police and property owned by others.

These matters considered apart from the above two citations are important, and it is requested that the American Minister be asked to punish the said offender in accordance with American law.

The undersigned has the honor to request that you will have this matter settled very soon.

(Signed) Kuroda

Kaitaku Jikwan

6th year Meiji

2nd mo. 18th day

(February 18. 1873)

No 4.

Sayeikwan Daiomi

Minister for Foreign Affairs

A.B.

Alexis Lazareff

Vice Minister for Foreign Affairs

Translation B

W&R

The American Nayfield, while employed, neglected his duty, wounded officers, and shot hunting dogs. One by one these matters should have been made matters of complaint to his Minister, but in consequence of the length of time during which he has faithfully served, I was inclined to spare his feelings by not urging a strict examination. So through General Caprivi, he was discharged on the 8th day of the 11th mo. fifth year of Meiji (December 8. 1872) He was informed of this fact also by a letter from Tamaka.

Nayfield would not listen to this order, and scorning the mention of his crimes, he would not accept a discharge. and demanded an examination of all

charges against him (by letter dated
11th mo 24th same year) (Number 24/42)

Before this, I had fully explained the
reasons for his discharge to General
Caprm. and these reasons were reported
to Warfield. and to this discharge,
there was really no reason to object.
but to have a clear understanding, a
note was sent by Tamaca to Warfield
on the 27th of same month, asking his
reasons for not accepting the discharge
but no reply was recieved.

The amount of salary due him upto the
date of his discharge was twice proffered
him, by offr Tamaca, but no
reply was ever recived fixing a day
for the payment of the same. Thus, for
these reasons I have rejected the
payment of his salary.

Daifuku insists upon payment of salary after his discharge, with interest, but these demands are unreasonable.

Saburi his contract as a guide, his pay, should have been continued up to that day only. - (date) his discharge)

Notwithstanding his evil deeds. - he has been kindly dealt with. yet. mr. as he will not be reasonable, and will to arrange this matter in a quiet and proper manner, the witness must be called from the Hokkaido, and the whole matter be minutely enquired into.

As these witness have been sent for, they will eventually arrive, but - Hokkaido is so distant. considerable time will be needed to get them here. - meanwhile, no discussion

can be held.

Kindly explain the above to the American Minister, to his full and complete comprehension.

(Signed) Kuroda Kiyotaka

Meiji 6th year

2nd mo. 13th day

(March 15. 1873)

To H.B.

Okuma, Kajenori

Acting Minister for Foreign Affairs

Legation

7.

No 31. U. S. Legation Japan

March 20th 1873

His Excellency

Ugeno Kagenori

Minister for Foreign affairs

Sir

I have the honor to acknowledge the receipt of your note of yesterdays date with two enclosures relating to the matter of the dismissal of Major Warfield ~~of~~ from your Department of Agriculture My Interpreter being absent for a few days on leave I am not able to understand the contents of the enclosures you transmitted with your note but replying generaly permit me to state.

That major Warfield having been engaged by your Government for a number of years and having been dismissed,

Summarily

summarily without any public investigation having been made relative to the charges preferred against him; appeals to me as the representative of his country to obtain at your hand a public hearing to be held by you at which time the witnesses against him may be produced; and such as he may produce may be also heard that you and also my government may understand what if anything he has been guilty of and upon what cause his dismissal is based. Please then understand me distinctly, I present no claim or demand on his behalf except solely to have an examination held by you of the nature suggested to be followed by your decision as to whether his dismissal was lawful and proper which decision it will be my duty to respond with the

the evidence adduced before you to my Government. I beg further to state that if Mr. Warfield has been guilty of any crime our Consular Courts are open for his prosecution and punishment.

If he has been guilty of any dereliction of duty it is but proper that this should be proven publicly that no dissatisfaction may follow. I ask then simply this "let the charges against Mr. Warfield be made at once specific so that he may be able to understand to what points it is necessary for him to produce testimony

Let the day at once be named when the investigation will be held that he may summon his witnesses to be in attendance upon that day

This is all I have asked or do now ask at present; except that

you

you may direct Governor Kinsola to be present at the investigation as Major Warfield has advised me that he wishes to call him as a witness.

I have the honor to remain

Sir

Your most obedient Servant

C. E. DeSoto

Reply

Foreign Office Tokei [redacted]

22nd of 4th Month 3rd year

of Meiji

Your Excellency

I have the honor

to inform you the following.

After several communications

in reference to the dismissal of

Mr Warfield from his engagement

at the Kaitakushi I have understood

in your letter dated the 9th inst

that you are willing to adjudicate

the matter in unofficial manner

and consequently as we have told

in conference held yesterday it

has been compromised that the

charges against Mr. Warfield be

withdrawn and a half sum of his

salary up to the whole time of

his

this contract, Sen 8166 yen 66.
-sen and five hundred dollars for
traveling expense be paid to him by
Kairoketsshi and the contract become
null and void. Thus the matter
has been finally settled and I request
-you to inform him of the same.

With respect & consideration

Ugeno Kagenori

To Acting Minister for F. A

His Excellency

L. E. De Long

Envoy Extraordinary and Minister Plenipotentiary

U.S.A.

Copy No 109

U S Legation Yokohama

April 23rd 1873

Sir

I have the honor to inform you that the Japanese Minister for Foreign affairs has offered to compromise the affair between yourself and the Kailoekshi relative to your engagement by the latter Department as follows.

I the Government to withdraw the personal charges, assigned against you as the grounds upon which your dismissal was based and as another officer has been engaged to fill the position you held the Government will pay you full salary for the period you served and half salary since that time and until the period fixed for the expiration of your period of office by the contract and also to pay you the sum of five

five hundred dollars, as stipulated in your contract for defraying your expenses from here to the United States.

This offer seems to me to be in every way most honorable and liberal relieving you at once from all charges of personal misconduct and in fact admitting that you have been unjustly treated and as you will realize in money by this settlement far more than you would have obtained for the period up to date if you continued in the service I strongly recommend you to accept the offer and to at once notify your acceptance of the same officially to me. Upon your doing so your money will at once be handed to you.

Major A. J. Warfield 5 remain Sir

Yours respectfully Caleb Dobson

Copy.

Yedo April. 25th 1863.

Sir

I have the honor to acknowledge the receipt of your official favor of date the 23d ult. mst. No. 109 and in reply beg to state that in accordance with your suggestions therein contained I have the honor to accept the terms of compromise proffered to me through you by the Japanese Government.

In the acceptance relieving the Japanese Government from any obligations to me and also releasing me from any obligations to it.

I have the honor to remain

Sir

Your most obedient Servant

To the E. A. L. Warfield

H. B. M.

Envoy Extraordinary and Minister Plenipotentiary

of H. B. M. at this port

No 36 Legation of the United States

Yokohama April. 29th 1873

His. E.

Ugeno Kagenori

Acting Minister for Foreign Affairs

Yedo

Your Excellency

I have the honor to

acknowledge the receipt of your letter

dated the 22nd of the 4th month of the

6th year of meiji (April 22nd 1873)

tendering the sums of $166 66/100 yen and

500 Dollars in final settlement of the

difficulty amicably adjusted between the

Kailockshi and Major A. G. Warfield and

in reply beg to inform your Excellency that Major

A. G. Warfield accepts the sums as tendered

the receipt of which sums of money I

have been made aware of.

I have the honor to remain

U.S. Legation Japan

C E Dudley
Minister

No 390

Dated Apr. 29. 1873

12 Enclosures

Contents.

A.G. Mahiell's dismissal from the service of the Japanese Govt & any action taken in the matter

Ag Govt Envelopes student-Interpreter
C.E. De Long

Report on Mr Seward's alleged letter

Dixon - Ask Mr Berdan

Legation of the United States

No 391 in Japan

Yokohama April 7. 1873

From

C. E. Delong

United States Minister

DEPARTMENT OF STATE. RECEIVED JUN 9 1873

Contents.

Instructions given to Daniel Turner — Consul at Hakodate relative to one P. Avill.

Legation of the United States

No 391 to Japan

Yokohama April 19. 1873

Sir,

I have the honor to advise you that on the 18th of last February I was called upon by one Savill who handed me a written communication from himself (Enclosure No 1) in which he enquired of me whether he was or was not a citizen of the United States, at the same time stating that he was registered as

Annexed

Hamilton Fish

Secretary of State

Washington D.C.

as such in the Isle Emouleate,
but that he had been directed
by the French authorities to pay
his land rents to them.
I asked him to exhibit his proofs
of citizenship. when he produced
simply a declaration of intention
to become a citizen. - which has
been issued to him by a Pennsylvania
Court, and he stated that he
never had received his final
papers.
I then handed him a written 2/891
communication (Enclosure #2)
in which I informed him, that
he was not an American citizen
and was subject to the jurisdiction
of the French Authorities of this
Empire - also advising him

however, that as I supposed he had acted in good faith in registering his claim in our Consulate, I would instruct the American Consul to extend him any unofficial assistance in the settlement of his business, that he might properly do.

I did so instruct the Consul on the same day, and also instructed him to strike Mr Avell's name off his register (Enclosure No 3.)

3/
391

Since doing this, I have been shown a letter addressed by your illustrious predecessor the late William H. Seward, to Guido F. Verbeck Esqre advising him that although he had merely declared his intention to become

a citizen, and had not obtained his final papers, yet that in travelling abroad, he would be entitled to the protection of American officials under the rule established in the celebrated Kosta affair. In view of this, I have thought it best to lay this correspondence before you and solicit your instructions.

I have the honor to be

Sir,

Your most obedient Servant

H. C. De Long

Sixty Enclosures

No 1 Letter handed to me by P. Rodd, written by himself

2 My reply. —

No 3. Instructions to Consul Jones

Hiogo 18th February 1873

To H. E.

Hon.ble C. E. De Long.

Minister for the U.S. of America

&c &c &c

Yeddo

Sir

I have the honor to lay the following matter before you and pray your assistance and protection.

From the documents which I shall have the honor of showing to Your Excellency you will see that although French born I have become a naturalized citizen of the United States of America that I have paid my ground rent at Hiogo to the American Consul at this port and that until a few days ago.

ago I have considered myself a
citizen of the United States of America
On making to pray my ground
rent a few days ago I was informed
that I must do so at the French
Consulate but as I do not consider
myself a subject of that country I have
refused to do so until I have had
Your Excellencys decision on this matter
for which purpose alone I have
come up to Yokohama
Asking Your Excellencys protection.
I have the honor to be
Sir
Your most obedient Servant
P. Arrill.

Confy.

No 57 U.S. Legation Japan

A February 20th 1873

P Avril Esq.

Sir

Acknowledging the receipt of your note of date the 18th inst I beg leave in reply to advise you that from the documents you have submitted to me I find you are not- an American Citizen having merely declared your intention to become such

Consequently you are subject to the jurisdiction of the French officers in this Empire

Believing however you have honestly erred in supposing yourself to have been one I have written the United States Consul at Kobe requesting him to render you any assistance

an unofficial nature in his power
in the adjustment of your business
affairs at Kobe.

I have the honor to remain

Sir

Your most obedient Servant

C E Deering

Dispy

No 30 — U. S Legation Yokohama

February 20th 1893

Sir

I this day received a note from one P Arrill Esq. advising me that he is a naturalized citizen of the United States born in France, that as such he has been registered in your Consulate paid his ground rent thereon and heretofore has accured and supposed himself entitled to full protection as an American citizen, that he is now informed that he must pay his ground rent at the French Consulate which he has declined to do until he has first obtained my opinion upon the subject.

Having carefully examined the papers which he has submitted to me to

prove

prove his citizenship, I find he has merely declared his intention to become a citizen but never has perfected the proceedings and obtained his final papers. therefore that he is not an American citizen is not entitled to the protection of our courts and officers and consequently that he was improperly enrolled in your registry by your predecessor Col. Frank. Believing however that he has acted under the impression that he was a citizen and thus acting has had his little deeds registered in your Consulate and so he advises me that he desires to sell his property and leave Kobe for the United States. I beg you to extend to this gentleman your unofficial assistance in enabling him

him to adjust his affairs without
suffering any loss or inconvenience
that may be avoided.

I have the honor to remain

Sir

Your most obedient Servt.

C E Dunlap

U.S. Legation Japan

E. E. Dudley
Minister

No 391.
Dated Apr. 29. 1873.

3 inclosures

Contents

Instructions
given to Consul
General at Yokohama
relative to an
Epidemic. —

Ent

file Ack

Gr. Britain

Legation of the United States

No 392

in Japan

Yokohama May 9. 1873

From

Chas E. DeLong

United States Minister



Contents

Pacific Mail Steamer "Golden

Age" run down & Japanese

fishing boat. Compensation

claimed and obtained.

Legation of the United States
No 392 in Japan
Yokohama May 7. 1873.

Sir:

On the 20th of July last
Mr. Shepard, then in charge
of this Legation received a
note from the Japanese
Government advising him
that a fishing boat had
been run down by the P.M.
SS Steamer "Golden Age" one
of its Japanese occupants
drowned and the
Hon'ble boat
Hamilton Fish
Secretary of State
Washington D.C.

boat destroyed. and
asking him to have an
examination into the matter
1/Sept (Enc. 1) On the same day Mr
Shepard communicated the
contents of the complaint
to the agents of the Pacific
2/Sept Mail Co. (Enclosure to 2)
On the 8th August following
Mr Shepard received a further
communication from the
Government, relating to
3/Sept the same subject. (Enc. 3)
On the 13th of the same
month, I received a
communication from Capt.
Lane upon the same subject
4/Sept (Enc. 4)
On the same day I

communicated Capt. Lane's report to the Government (Enc 5) 3/39.

On the 8th of November last, I received another communication on the same subject, from the Government, giving me full particulars of the disaster. (Enc. 6) 6/39.

At the instance of the Agent, I requested to be furnished with a chart showing the exact spot where the accident occured.

On the 24th march, I received a communication from the Government, accompanied by the

the diagram requested
3/92 (Enc. 7.) I then saw
the Minister, and ascertained
that the sum of three hundred
($300.) dollars would prove
satisfactory, which —
information I communicated
verbally to Captain Laine
and on the 29th of last
month I received a
3/92 note from him, (Enc. 8)
forwarding a cheque for
the sum of Three Hundred
($300.) dollars. which
I forwarded to the Minister
in a letter of date the
4/92 20th of April (Enc 9)
I subsequently received
his receipt for the money

which receipt I at once
handed to Capt Lane
Inviting Your kind
approval,

I have the honor to be
Sir,
Your most obt Servt
C. E. De Long

List of Enclosures.

No 1. Minister for Foreign affairs
to C. D. Sheppard, advising him
of the accident to a Japanese
fishing boat.

No 2. C. D. Sheppard to Capt Lane,
forwarding the Complaints.

No 3. Minister for Foreign Affairs
to C. D. Sheppard, admitting same

matter

No 4. Capt Lane to C&E Dr Ry upon the same subject.

No 5 C&E Ry to Japanese Government. forwarding same.

No 6 Japanese Government to C&E Ry. giving full particulars

No 7 Japanese Government to C&E Dr Ry. forwarding a diagram showing spot on which the accident took place

No 8 Capt Lane to Dr Ry. tendering $200.

No 9. Dr Ry to Japanese Government forwarding the same.—

Recevied 20th july 1892

Copy of translation

Foreign affice Tokio

13th of 6th Month 25th year Meiji

I recevied a report from the Wakayama Ken that the Pacific Mail Steamer "Golden Age" on the 3rd july 1892 has ran over a fishing boat on the Sea of Kisu in which the fishermen under the jurisdiction of the Wakayama Ken were catching fish on torch light.

and that the said boat having been distroyed; one of the five fishermen was drowned and the rest were saved by other boats and the corps of the drowned is missed.

I therefore request you to inquire the Capitain of the said Steamer and forward to me his report in

this

this respect while the further particula
are now under examination

With respect & consideration

Sayeshwa Tamoori

Ag & J. Min Minister for F.A

C. C. Shepard Esq

Charge d Affairs

USA in Japan

Copy

No 61. U. S. Legation Japan

July 20th 1872

Capt Geo E Sanc

Agent P. M S S Co

Sirr.

I am in receipt of a complaint from the Minister for Foreign Affairs which sets forth that on the 9th day of July the Steamer "Golden Age" ran into and sank a fishing boat off Wakayama. One person was drowned and they desire me to inquire into the matter. If you will upon return of said Steamer forward me a statement of the facts I shall be greatly obliged

I am Sir. Your obdt. Servant-

C. P. Shepard

Charge d affairs.

Copy of Translation

Received August 8th 1872

Foreign Office

Tokei the 4th of 7th Month

of 3rd year Meiji

I have the honor to state you in my communication dated the 13th day of the 6th Month last-the P M Steamer "Golden Age" has run over the Japanese fishing boat in the sea of Province Kisu. since I received from the Wakayama Ken the detailed statement of the event: copy of which I beg to enclose for your information.

With respect & consideration

Sayesama Tanaomi

H. I. M. Minister for

Foreign Affairs

C. O. Shepard Esq

Charge d Affairs

of USA in Japan

Recd August 13th 1872 24

Agency C. Mn. S.S. Co Yokohama

Aug 13th 1872.

Hon Chas E. De Long

U. S. Minister &c &c.

Sir

A short time since I received notice from C.O. Shepard Esq. when acting as "Charge d Affairs" that he had been notified by the Japanese Government that the S.S. Golden Age had run a junk down & sunk her. We now beg to hand you extracts from the Captains log in connection with the unfortunate affair, as we understand one of the crew was drowned.

The log reports "July 3rd at 9 1/2 "C.M. Stopped and hove hard a port to

"to clear a fishing boat: She continued
"to stand across our bow, struck
"us on port bow and went under the
"wheel— her crew jumping over board
"two fishing boats close by went to their
"assistance. 9 2/11 Went ahead slow and
"made a circle around to see if could
"find any people in the water— saw
"no one" at 9 42/11 P.M. Stopped again
"to clear a fishing boat."

Judging from the report we have above I do not think the Steamer was at fault; for if the fishing boat had tacked the latter way as she ought to have done she could not have run against the Steamer. Should there be a claim made by the relatives of the person who was said to be drowned, we are prepared to give his

his family a moderate sum. as it-
is the custom in Japan.

Respectfully yours
Geo. E. Sans
Agent

Copy

No 97. U.S. Legation Japan

August 13th 1872.

Sam Excellencies

To day I received a report from Capt. Geo C. Sam Agent for the Pacific Mail Steamship Co at this explaing very fully the cause of the recent collision of the Steamer Golden Age with a Japanese fishing boat whereby one of your countrymen lost his lifes

This report clearly exonerates the officers of the Steamer from all blame

I send Your Excellencies a copy of the report herewith (Enclosure No1) and trust that you will concur with me in the opinion that no blame can be attached to the officers of the Mail Co. or of the Steamer

Golden

Golden Age for this casuality

Your Excellencies will observe that Captain Lane notwithstanding this full exoneration from blame, very generously proposes to extend some pecuniary aid to the family of the deceased if it is desired

I trust Your Excellencies will admit me if such assistance will be accepted and I would thank you to mention the sum you would recommend to be paid.

I have the honor to remain

Your with respect & consideration

C. E. De. Long

To their Excellencies

The Ministers for Foreign Affairs.

Copy of translation

Received November 3rd 1892 6

Foreign Office

Tokei the 2nd of 10th

Month of 25th year Meiji

I beg to acknowledge the receipt of Your Excellency's communication dated August-13th 1892 enclosing the report therewith to you from Captain George E. Lane Agent for the Pacific Mail S.S. co in which it is mentioned that a Steamer of your nationality the "Golden Age" had collided with a Japanese fishing boat in the open waters of Kishu, and the collision with the fishing boat was not the fault of the Steamer and that Captain Lane notwithstanding this full examination from blame very generously proposed to extend some pecuniary aid to the family of the

the deceased. I have directed the Wakayama Ken to examine into this matter.

That Ken did so, minutely questioning the families of the drowned and has reported to me as you will find in the accompanying documents.

With respect & consideration

Toyeshima Tanemi

H.I.J.M's Minister for F. A.

H. E.

C. E. De Long

Envoy Ext & Min Plen

of U.S.A. in Japan

Copy of Translation

With reference to the loss sustained by damage to the property of Kakuyemu who was drowned last 28th day of 5th Month or thereabouts this Ken reports as follows.

In the Ken at Eita Kori village of Kisu Tamano Kayenori while fishing in his boat off Muno Kori Seto ova an American Steamer (Passenger Steamer) collided with him and one of the fisherman in the boat (named Kakuyemu) was drowned. With the intent of informing these facts to the American Minister the following statement has been obtained as well as the age of the deceased & his circumstances. The

above

above named deceased was poor and in consequence of his decease his family have been brought to want- and knowing no way to obtain a livelihood are now supported by a relative named Gonnatchi on a/c of their penurious condition and the extreme age of one and youth of the other, it is requested that this matter be taken under kind consideration

This is in reply to orders to enquire into the matter.—(sgd)

Year of Saru (1892) Nakayama Ken-

18th mo 1st day to

Gaimusho

Copy of.

Petition for relief made by the family of Nakuyemu to Nakayama Ken.

Nakuyemu drowned. aged 43.

Tosi Stepmother " 68

Tasu Wife " 42.

Juromatchi foster child " 9

Receipts from labor at fishing by Nakuyemu — average 1000 cash. per diem — per year 96 Rios

Same from labor of farming today. 1128 cash per year 46 Rios

Fishing implements lost were owned by Nakuyemu. One fishing boat was swamped, a new boat made in January last. (1st mo)

Length 24 ft. Beam 5 ft. 8 inches.

Value 96 Rios

A cotton Sail value 22 Rios

4 Sculls — Value — 6 Ris

Rudder — " — 1 " 2000 ca

Lamp apparatus " 6000 ca

Fishing implement and other tools. 22 "

The above is correct.

Signed with Seal of Kakuyuma

affixed by Tamano Kawazumi

Administrator and relative of deceased

Kusie Ikuri

Kikuchi Tayama

Chief Officer of district.

Tamano Hirozaiemon.

Copy of translation Received march 24th 1873 7

Foreign office 22nd

day 3rd month 6th year Meiji

Sawa Excellency

Referring to dashing

of one of the American Steamer

the "Golden Age" against a Japanese

fishing boat on the night of

the 28th of the 5th month last-

year in the sea of Kisken by

which a fisherman was drowned

Your Excellency lately told Mr

Ishibashi Shuzen that although

you understood all the circum-

stances merely from the repeated

correspondence passed between you

and me still there is something

not quite understood with regard

to the place of collision, the

master of the above Steamer wants

to

to know it for certain and therefore I forward the enclosed diagram of the above place and beg you will show it to him.=I have to request that you will take quick measures to bring the matter to a conclusion.

With respect & consideration

Yoayuno Kagenori

The second assistant

Minister for Foreign Affairs

Copy

Agency P.M.S.S.Co.

April 29th 1873.

Hon Chas E. De Long

United States Minister &c &c

Yokohama.

Sir

After looking into the matter of a sinking of a fishing boat in Kii Channel supposed to have been done by the Steamer "Golden Age" we are convinced that it was said Steamer that came in contact with the boat referred to and caused her to sink &c.

After receiving a report from the Capt. and Pilot in reference to the accident We are fully convinced that it was more the fault of the people in the boat.

that

that the collision occurred than those on board the Steamer as they (the people in the boat) attempted to cross the bows of the Steamer instead of tacking to avoid collision, in consequence of not doing so came in contact with the Steamer.

We would most respectfully advise that we protest strongly against paying any sum whatever for the loss sustained by the parties who owned the fishing boat but in consequence of the man that was drowned from the said boat

We tender herewith a Bank Check for the sum of Three hundred (300) dollars to be applied for their relief it being understood that we consider by so doing this to be an

an act of charity on the part of this company and does not establish any precedent for the future.

Very respectfully

Geo. E. Lane

Agent.

Copy

No 37. U. S. Legation Yokohama

April 30th 1893.

H. E.

Goyeno Kagenori.

Acting Minister for F. A.

Sir

I have the honor to enclose for your information copy of a note received by me from Capt. Geo C Lane Agent P. M. S. S. Co tendering the enclosed check for three hundred Dollars (Mexican) as a charitable contribution for the relief of the family of the Japanese fisherman who lost his life on the occasion of the Steamer "Golden Age" with a Japanese Junk.

I will thank you for an

acknowledgement-

acknowledgement of the receipt of this

money.

I have the honor to remain

Sir

Your obedient Servant

C. E. De Long

Ack'd

Set

Legation of the United States in Japan

No 293

Yokohama May 4. 1873.

From

Charles E. DeLong

United States Minister



Contents

Customs Officials at Yokohama decline to longer transact business with Consul Shepard. who in reply to my instructions, writes insulting and offensive answers. The matter still unadjusted. Instructions asked for.

Legation of the United States

No 393 in Japan

Yokohama May 7. 1873

Sir,

Mr C.O. Shepard United States Consul for Kanagawa, has recently practically suspended relations with the Customs Officials at this Port. and addressed to me some communications of such a nature, as to render my position extremely unpleasant.

In action indicate a desire to force a war of words upon me,

And I do wholly

Hamilton Fish

Secretary of State

Washington D.C.

wholly without cause, and he writes and speaks confidently of obtaining your support.

I know nothing as to the reasons he has for feeling this confidence, but I feel an abiding confidence that I have done nothing in any manner to cause me to forfeit your respect as a gentleman, nor do I doubt your perfect desire to mete out justice between any of your subordinate officers, regardless of any feelings of personal preference, you may have.

In order to set the matter before you in a full and fair light, I enclose copies of all the correspondence that has passed between us having the most

most remote connection with the cause of quarrel. Perhaps, if some of the enclosures, in your opinion, have no relation to the subject, you will understand that I have — included them because being referred to in other notes, you might think they were important if you were not given an opportunity to peruse them.

Some time during last December, I drove down to the Custom House at this Port, to see about some articles that had arrived for me by steamer, and were then stored at the warehouse of the Pacific Mail Steamship Co. which is situated within the — Custom House enclosure.

I drove with my buggy into the enclosure, between two high rows

of goods. and after driving some distance, an officer who stood at the gate when I entered, and who offered no objection at the time to my doing so, commenced shouting and running after and finally arrested my Cetto (or horse boy) who was following my wagon. To relieve him, I sprang out and compelled the sentry to desist, - when, he summoned several police-men, and for a moment or two, I was surrounded, and thought I should be attacked. I explained as well as I could, that having allowed me to drive in, they must allow me to drive out, as + turning around in that narrow lane, was impossible. At last

this was permitted, and I drove out.

When on the outside, and in the street, a young Japanese interpreter came running up to me and said, "You must not drive in there, it is against our rules". I replied that I was not aware that it was, that I saw no notice, and an officer standing at the entrance, observing me had made no objection until I had passed in for some distance, and when I was in a position where I could not help proceeding, when he had acted rudely; and I should complain of him, to the proper authorities.

The interpreter replied, justifying the officer, when I drove over

to the Consulate. and after advising Mr Shepard of the occurrence, I requested him to call upon the Governor, state the matter to him, and have the insolent fellow who had abused my boy, dismissed, and the police instructed in cases of similar difficulties with foreigners, to have an interpreter called and understand the case. before appealing or threatening an appeal to their clubs. I supposed that the moment this matter was made known to the Governor, he would take the proper steps without delay. and so Mr Shepard stated he also thought. Soon afterwards I received a private note from

from Mr Shepard informing me that he had taken action in my matter, and made the request I had suggested. but he did not state what particular action he had taken.

I replied thanking him for his promptness and courtesy, and dismissed the subject from my thoughts.

On the 27th of December last, I received a note, with six enclosures from the Consul, advising me that from this occurrence, a correspondence had taken place between the Queen and himself involving the very important question as to whether the Custom House Officials were under the Treaty to be recognized and treated with by Consuls or whether the Queen

alone, of each Port, was the only
Office that could be considered
as having control of Customs
business done by foreigners.
(Enclosure No 1)
In common with all of my
Colleagues I had noticed with concern
and regret, that the Japanese for
some time past, had grown more
and more indifferent to the provisions
of the Treaty, and Conventions about
Customs Regulations, adopting and
notifying such rules as they pleased,
without seeking or obtaining any
Consular sanction, and also, that,
as time passed, the Regulations which
they promulgated grew more
illiberal and oppressive to foreign
merchants causing constant —

complaints to be sent up to us
from the various ports. When
I received this note from Mr Shepard,
it occurred to me that it would
be well to make use of the
opportunity offered, to make a
stand, and compel the Japanese
Authorities to join with the Consular
Body at each Port, in the business
of drafting and adopting a Code
of Regulations that Foreigners and
Japanese alike would understand
and obey. Therefore on the
28th of December replied to the Consul
(Enclosure to 2) advising him that
the question of the personal affront,
I was quite willing to pass by
unnoticed, but as his correspondence
had raised the material issue of

jurisdiction relative to Customs Regulations, I wished him to forward me copies of all letters he had sent or received affecting this question, that I might thoroughly understand the case before taking my position.

To this note I received a reply from Mr Shepard on the 8th of January last, accompanied by thirty two enclosures. (Enclosures to 8) 3/39

In this note Mr Shepard strongly insisted that by his correspondence with the Customs Officials he had not prejudiced this position that he had now assumed, to wit, that of treating the Premises only as the proper authority with whom it was his duty to confer upon

upon subjects of this nature.

This question I did not feel called upon to decide at once, but preferred allowing it to rest undecided, forming a reason which would appear sufficient to my Colleagues and the Japanese Minister for my urgency in pressing the question of having a Code of Regulations at once adopted for all of the Ports by joint action of the foreign and native authorities.

I found by a perusal of the enclosures with this note, that the Customs Shed Regulations drafted by the Japanese and proposed to the Consular Body, had been discussed from by the Shipping and no agreement arrived at. (See enclosures 22, 26 & 27)

This discovery confirmed me in my determination to make use of this occasion to reach the main matter and settle all questions of this nature.

At a meeting of the Diplomatic Corps. on the 7th February last, my Colleagues called up two very important questions for discussion, about which they had received full advices from their Consuls. but I had received none from the Shogun, to wit. a question about an order issued by the Governor of this Port, prohibiting foreign merchants in the future employing Chinese Compradores, — and the establishment of Court fees by the local Japanese Court.

I obtained a delay of the

consideration of these questions,
and on the following day —
addressed Mr Shepard a note,
4/ 4/93 calling upon him for a report about
these matters. (Enclosure No 4)
To which Mr Shepard on the —
same day replied, reciting his —
action and excusing his failure
to report these matters on the —
5/ 5/93 ground that he did not consider
it necessary. (Enclosure to 5)
To this. I replied on the same
day courteously pointing out to
him the necessity of reporting all
such matters of a general interest
6/ 5/93 without delay, to this Legation.
(Enclosure to 6)
To this. Mr Shepard replied on the —
7/ 5/93 11th of February (Enclosure to 7)

accompanying his note with
four enclosures being copies of
a correspondence that had passed
between the Japanese Judge and
himself, about Court Fees.
You will please note that this
note does not mention the number
of documents enclosed, or refer
to them in their order. These
documents were not endorsed, nor
numbered. and as the note from
Mr Shepard to the Judge, was copied
on the third page of the same
sheet of paper upon which the Court
Rules and Code of Fees was copied,
it escaped my observation, when I
I addressed the Consul on the same
day, calling upon him for the
copy I had thought to be missing

missing.

8/393. (Enclosure to 8)

On the 11th February the Emperor replied advising me where I would find the document attempted the enclosures, and asking me if I found it, to retract my charge against him, of blundering. —

9/393 (Enclosure to 9.)

As I had made no charge of the — nature, and an explanation — upon my part would necessitate me to call his attention to the very improper manner in which his enclosures and dispatch, had been prepared, I made no reply, actuated solely by a desire to save his feelings, and drop a trivial matter.

On the 25th of March last, during

my absence at Yedo. Mr Shepard forwarded me another note with two enclosures (Enclosure No 10) Yours communicating in the pursuit of business wholly escaped my notice for several days. Yours too, failed to call my attention in terms to the serious and important nature of the matters which had transpired as recited by the Enclosures. as it did not enumerate the documents enclosed, their number or their contents.

Following this, on the 10th of last month. I received another note from the Consul, asking me if he should recognize the Commissioner and Assistant

Commissioner of Customs, and
also something about a Life
11/39 Insurance Policy (Enclosure No 11)

On the same day, I replied most
patiently and fully explaining
my views of the situation to the
Consul, and also reciting what
steps I had taken to secure the
adoption of proper Regulations, and
what my prospects of success were.

By this note also, I very fairly
advised the Consul that the
object of my labors, was solely to
obtain wholesome Regulations. No
thought of the personal affront that
had been offered me, ever longer
12/39 occupying my mind (Enclosure No 12)

In this same note I also stated
that I had received no information

know him about any request having been made to him to recognize Mr Fred Lowder as an Assistant Commissioner of Customs, also that the matter of the Life Insurance Policy. I could answer separately, as it should have been written about separately, and also calling his attention to the further fact, that it appeared to me that some copies of documents that should have accompanied his note of the 8th of January, had been omitted, and asking him if this was so, to forward the same.

Before proceeding further in this detail, I beg to advise you, that from the moment when this controversy had arisen I had actively

actively exerted myself to obtain the consent of my Colleagues and the Japanese Ministers to bring about the desired Convention for the framing of Customs Regulations & settlement not only of this matter, but also of numerous other similar disputes between the Consuls and the Customs Authorities at the various ports. I succeeded in enlisting my Colleagues in sympathy with my views, and on the 25th of February, they had joined with me in addressing this Government an identical note upon this subject (Enclosure to 18) 19/393

To this, no reply was ever returned, but the Minister for Foreign Affairs assured me of his hearty —

concurrence in the views we had expressed. and explained his non-action by stating that as the Custom House was under the + Finance Department, he was much delayed by the reluctance of the Ministers of that Department to concur and co operate with him which however, he felt sure they would soon do.

On the 24th of April. I received another Note from Consul Shepard, advising me that he had forwarded all written replies made by Mr Mitchell or himself. protesting against what he called another unjust charge + relative to his not having notified me about Mr Lowden's appointment and concluding with another +

demand for an apology about
the missing enclosure —

14/
397 (Enclosure to 14)

Overlooking the insolent tenor
of his note, I addressed him a
reply on the 15th of April,
specially enumerating the documents
that appeared to me to be missing
replying to the question about
Lowder, and there giving him
my reasons in full, why I had
not written to him about the
missing enclosure. (Enclosure to 15)
15/
397

I call your attention especially
to this note, by which you will
see that Vice Consul Mitchell
returned but three replies to
seventeen official communications
and no copy had been furnished

of one of his notes that
had been assumed by the
Commissioner of Customs. also,
other documents were alluded to,
in this correspondence, plainly
showing that I was right in
supposing that I had been
furnished with only a partial
record.

On the 23d of April I again addressed
the Consul, not having received
a reply from him in the meantime.
(Enclosure No 16) 16/39

This note, I also beg to invite your
special attention to with a view
of satisfying your mind that I
wrote in a courteous, kind manner,
saying nothing to give offence,
and directing nothing unreasonable

unreasonable to be done.

My reasons for giving this instruction were as follows:
On the morning of that day, the Acting Minister for Foreign Affairs called upon me, and stated that the Kanagawa Superintendent of Customs had retired from his office and refused to discharge its duties any longer unless his Government sustained him against Mr Shipard by either obtaining prompt and courteous recognition for him, or by entirely discontinuing relations of any nature between the Customs at this port and the American Consulate. That he, the Minister, was anxious to save his Government the services of so

valuable an officer as Mr Takashima, yet he entertained the liveliest feelings of personal regard for Mr Shepard and did not wish to make an official affair of this, to bring any disgrace or injury upon him if he could possibly avoid it. Wherefore he had approached me unofficially and privately to try and obtain an adjustment even if of a temporary nature to save trouble.

He further remarked that he knew the advantage enjoyed by his Government in this controversy, as it might at once decline to clear our ships or allow our merchants to clear or land their goods through the

Customs House, which would
compel an immediate recognition
of their Customs Officials by the
American Consul, but that he
desired to avoid pushing matters
to any such an extremity.
I replied that I did not understand
why such excitement was
manifested just at that moment
over an affair that had been
pending for months, and business
proceeding as usual. He replied
that Mr Takashima had taken
deep offence at the action of
the Consul in returning his letter
forwarded by Mr Lowder, that
he had considered that, as a
point blank refusal on the part
of the Consul to hold any

official communication with him, and a direct insult. That he had submitted his views to his superior officer in the Finance Department who had sustained him, and now the same being equally made — must be as equally met by us.

I replied that I had been permitting this thing to drift along to hasten the action — relative to obtaining the adoption of a Code of Customs Regulations.

He replied that if I would instruct the Consul to proceed as formerly with these officials he would not abate his efforts to hasten a conclusion of that subject satisfactory to ourselves.

myself. I then replied that I would give the Consul the instructions he sought, subject to a fair understanding that such recognition would only be a qualified one for the purpose of permitting the business of the Port to continue undisturbed, pending our negotiations relative to the adoption of the proper rules and regulations. With this, he expressed his entire satisfaction, and withdrew. I then drew the instruction in question, referring the Consul to the correspondence on the subject, between this Legation and the Foreign Office, which had previously escaped my notice and which the Minister in This

interview alluded to.

Had Mr Shepard, in reply to this note, sought an interview or replied requesting me to more fully advise him of my reasons for thus instructing him, I would at once have entered into full explanations. This however he did not do. But two days afterward addressed me a curt note offensive in tone and substance, by which he ignores the obligation of the Consular Rules and Regulations or any other Rules governing him in his correspondence with me. (Enclosure No 7.)

Upon this subject, I beg to solicit instructions both to this Legation

and to the Consulates in this Empire. I had always supposed that by custom and common consent, the Consular Rules and Regulations governed in such cases. Receiving no further reply from the Consul for several days, I addressed him another Note on the 29th of April calling upon him for a report. (Enclosure to 18) 18/593

On the same day I received an answer from him, containing two enclosures. (Enclosure to 19) 19/593

This document is one so offensive in its character, that in my judgement, it calls for some decisive action upon your part; to restore the —

harmony of the service due.

An answer to that despatch which I could not in justice to myself make to the Council, I beg to address to you.

His first complaint is that he entered into this controversy at my request, and for my personal benefit. I have already detailed to you in the commencement of this despatch all that passed between us. Therefore you will be able to understand to what extent this assertion is true.

He next claims that I have rebuked him for obeying my orders. I beg you to notice how wholly baseless this assertion

assertion is, by reading my
dispatch to him.

He next avers that the question
of recognizing or not recognizing the
Commissioner was a minor &
subordinate to the one of
obtaining an apology for the
affront offered me. If such
was his view of the case, it certainly
was not mine. In my first
dispatch to him on this subject
I informed him of my willingness
to pass by the question of affront,
and expressly explained to him my
main object to be the obtainment ++
of proper Customs Regulations
and this in all my subsequent
notes I beg you to notice that I
indicate the same purpose —

which Mr Sheppard must blame himself for. if he did not + understand. — I am perfectly certain that he did understand this.

He must challenges my motives, declaring them to have been base, and intended to make him a laughing stock &c. by this + accusation he not only casts an affront upon me of a most serious nature, but he accuses me of an official crime of a high degree, calling it my judgement for investigation to be followed by proper + punishment being inflicted on one of us. How very far he was from the truth let my

recital of my interview with the Minister for Foreign affairs inform you. He was courteous and agreeing unofficially and kindly upon a course to save two subordinate officials from continuing upon a career, that must result in the disgrace and ruin of one, or both. I could not afford on his account or upon my own, to press this business to the point of suspending relations. I had never counseled him to refuse to recognize the Customs officials, - he adopted this course on his own motion, and when he reported his proceedings, I studied to sustain him as far as possible in accord

with public interests.

He insists in his earlier notes that all that had been done by Mr Mitchell and himself had not resulted in any technical recognition of the Customs Officials. If this position was correct, what I instructed him to do could have no further effect than had already resulted; as I directed him to

"continue the relations with the
"officers of the Customs at this
"port as was formerly done by
"Mr Mitchell and yourself,
"until you are otherwise directed
"by me" By referring to Enclosure No 11, you will see that the Consul on the 10th of April in a note of that date, pressed

pressed me for instructions as to whether he should recognize the Customs officials or not.

Why did he do this, if he considered himself as already acting under my orders? or why did he press this point at all if he wished things to remain in status quo, until the point sought, was gained?

His whole theory is inconsistent with itself, and his logic is that of a man blinded by prejudice and passion. He asked — instructions and flies in a — passion when he receives them.

He next assails my reasoning by saying that as this state of affairs had continued for five months, without any interruption of —

business, he cannot see the
necessity or the danger I intimate.

I have already explained to
you in this despatch why I
gave the instruction I did. as I
would have explained this subject
to him if he had in a polite
and friendly manner sought such
an explanation. The crisis was
brought about, by his refusal of
the Commissioners letter. - this
occurred about one month
previous to the date of my instruction
(See Enclosure No 10) and not five
months. The intermediate time
had been occupied by the Japanese
in considering what course to pursue,
and when I acted, a crisis in
affairs justified me fully.

He next indulges in a flurry of an insulting nature about his error in having acted upon a verbal request and his failure to preserve a private note I had written him, thanking him for what he did. The inuendo is, that he expects me to deny my verbal statement, &c. Such language so offensive personally, and so entirely out of place in an official paper signifies his disregard of my feelings, in contemplation of the brief period I am to remain in office, and to the end of this language he adds an expression of confident assurance, that his conduct is

to meet with favor and approval at your hands.

This note remains unanswered.

On the 30th of April last, I received another note from Mr Shepard, and therein, he admits that one of Mr Mitchell's notes cannot be found. and states that others do not exist. which evidently have also been mislaid, or destroyed. (Enclosure to 20) 20

Thus, in this matter as in the Compradore affair, and in the matter of the extradition of Rogers, and four other people previously reported by me to you, Mr Shepard in a manner peculiar to himself, avoids

avoids explanations by stating that he has sent, or received private notes, since, lost or destroyed, or that the adjustment was verbally made.

It is at least strange that in a grave business like this, these communications are missing.

Ever since my discovery that in the "Maria Luz" case Mr Shepard entered one character of an official note on the records of this Legation, and forwarded you another, materially different yet bearing the same date and number, I have been inclined to regard his communications with mistrust.

Also you will remember

that in the Jacksonville Jail
matter, as reported to you by
me, Mr Shepard did not enter
in the records his letter of
instructions to Mr. Mitchell.

I have not desired to do him
any injury, although aware
that he has been plotting and
conspiring to misrepresent me
at your Department, continually,
and also conspired with reporters
to abuse me in the press. but
now I deem it well to mention
some matters and offer some
proofs. In proof of the
fact that Mr Shepard did try
to induce me to allow him to
enter the letter about the Jail,
I enclose you a copy of a private

note I received from him, the
original of which, is in his hand
writing. which I hold subject
21/31/93 To your order. (Enclosure No 21)

My rebuke to him for writing
such a note and my refusal
to accede to his request, caused
our first difference.

I found on my return, that he
had used my house as the
rendezvous of my enemies, throwing
open my books and papers. private
and public. to reporters of the press,
inimical to me That he had
made Mr Redmond Smith my
enemy. by causing him to believe
that I was doing, what I could,
to injure him in Washington.
When, Sir, you will remember

and bear me witness that when
pressed by you to know how
Mr Smith was getting along I
handed you a note I had
just received from Mr Shepard,
in which he detailed the bad
actions of Mr Smith, in the
strongest colors. and wound up
by imploring me to see you,
and use all of my influence
to get you to do something to
remove "that nuisance" that
is covering our name with
infamy," as he stated it.
While I was in Washington
trying my best, as you know,
to sustain him in every way,
at your Department, with the
President, and in Congress,

Empress, endeavoring to get his office raised to the grade of Consul Generalship. He was + having friends such as Lieut. Mason, writing to the President asking to have him appointed ~~as~~ Minister in my place.

This man, I covered with kindness - I always advised with him, as with my younger brother. My house was his home, and his friends were mine. His dream was to get in the Kanagawa Consulate. Mr Leyon died, and I at once placed him there. When I went North to Hakodate, I put him in charge of my Legation, and counted the Instructions which I received, to place him in charge, when I left for

Washington: forgetful of all of
these things. he has stung the
hand of kindness, and upon the
eve of my departure from office,
when he feels secure and +
independent of my patronage, he
administers insult after insult,
to one whose hands are still
tied by official obligations and
one whom he knows does not
desire to do anything to create
a scene just before leaving.

I could proceed and enumerate
to you a list of grievances against
this office, that would be
enough to overwhelm him with
any person. but this is not +
necessary now.

I know of other letters sent

important in their nature + addressed to Japanese officials and Americans, which he wrote officially when in charge of this Legation. ^ but I feel that having record in the books of this priced such actions upon him Legation.
in two well defined and important cases, such as that of the "Maria Luz" and the Jail matter, I need go no farther.

Whilst I remain here, I do not wish to engage in quarrels, such those I have passed. and will pass his affronts and insults by unnoticed, leaving you with your high sense of honor. and your attachment to official propriety, to make the correction necessary. A few days

since while at the Foreign Office the Minister informed me that Mr Takashima, dissatisfied with Mr Shepard's last note to him, was still refusing to resume charge of the Custom House.

I asked what his objections were, and he said, that, Mr Shepards note impliedly stated that he had never recognized Mr Takashima previously, which was incorrect, and besides this, it contained an assertion that it was his, (Shepards) duty to have returned Mr Linder's note as he did. I replied to the Minister that I thought Mr Takashima really had no just grounds for complaint. The

the main object deemed having been attained. I further stated that I had instructed Mr Shepard, exactly as I had promised him I would, which he then assured me would prove satisfactory. He replied that he understood me to promise that I would instruct Mr Shepard to resume the relations with the Customs Officials, previously existing, and to address Mr Lowder a note to that effect. I replied that I had so instructed him. - He then called my attention to the fact that Mr Shepard's note did not indicate the receipt of any such instructions. Upon glancing at it, I perceived that it was not addressed to Mr Lowder as

as I had directed it to be, and was plainly susceptible of the construction that Mr Takashima placed upon it. However I reasoned with the Minister that I had done all in my power to tranquillize the difficulty and I begged him to instruct his officers to proceed as usual.

He promised to do this.

The day following this, one of the Mail Company's steamers arriving to proceed to Yedo, for the purpose of discharging a cargo of ice, these authorities refused to allow her to proceed without a request from this Legation, which in my absence was drawn and delivered to the Agent, Captain

Lane. by the Secretary of this
22/ Legation. (Enclosure to 22)

Upon discovering this, I regarded
it as an evidence that these
Custom Officials would not
in fact transact business with
Mr Shepard. I therefore called
again upon the Minister today,
and enquired what action had
been Taken or was proposed.
He replied that Mr Takashima
still refused to resume his office
and nothing had been concluded
upon. That the burning of
the Palace, had so interrupted
business, that it would probably
be still some days before any
action would be Taken.
Thus this affair stands at present

- If I have erred, at all. I know not how. A review of my notes to Mr Shepard confirms me in my views that I have done nothing to give him the least cause for offence, and with an abiding confidence that such will be your conclusion, I earnestly solicit a full and unreserved expression of your opinion upon the several points I have presented.

I have the honor to remain

Sir

Your most obedient servant

C E D Long

List of Enclosures;

No 1
1. Shepard to Dulong. forwarding correspondence with Greene.
2. De Long's reply. asking for copies of all correspondence.
3. Shepard to De Long. forwarding same in 32 enclosures.
4 De Long to Shepard. asking for a report about Commodore and Court fees matters.
5. Shepard's reply.
6 De Long to Shepard. instructing him to report all such matters in future
7. Shepard to Dulong. forwarding copies of his correspondence with Japanese Govt.
8. Dulong to Shepard. calling for copy of enclosures received.

No 9. Shipard's reply. explaining where the enclosure could be found.

No 10. Shipard to Dr Ling. abt the same.

No 11 Shipard to Dr Ling. asking if he should resign the Commissioner of Customs.

No 12 Dr Ling in reply. fully and clearly stating his views on this subject.

No 13. Identical note to Japanese Government, drawn by the Diplomatic Corps.

No 14 Shipard to Dr Ling. abt the correspondency Mitchell and Customs House. - and again demanding an apology & statement abt the mining

Enclosure.

No 15. DeLong in reply. relative to the mining enclosure.

No 16. DeLong & Shepard asking for a reply to No 15.

No 17. Very offensive note from Mr Shepard.

No 18. DeLong & Shepard. asking for a report. of his proceedings under instructions concerning the Custom House matter.

No 19. Shepards reply. couched in exceedingly offensive language.

No 20. Shepard to DeLong. stating the non existence of certain of Mr Mitchell's notes on record.—

No 21. Private note to DeLong from Shepard.— asking that a

certain instruction issued by
Shepard while Chargé d'affaires
to Mr Mitchell, concerning the
Jait matter, might be placed
on file in the Legation

No 22. Request issued by Secretary
of Legation, that U.M.S.S.
Col-o-steamer be allowed to
proceed to Leo Douchaye
accordingly.//

Received Dec 27th

No 1

Copy

No 286 U. S. Consulate

Kanagawa Dec 27th 1872

Hon C. E. De Long.

Envoy Ex and Min Plen.

Sir

I have the honor to hand you herewith copies of correspondence between the Governor of Kanagawa and myself concerning the insult offered you at the Custom House on the 22d of last month. The day after the occurrence I wrote a private note to Mr Nakashima (the gentleman at the head of the Custom House) thinking he would of course make a speedy and ample apology thus obviating the necessity of bringing the matter officially to the notice

of

of the Governor. But the very unsatisfactory
reply received from him (which I forwarded
to you some time since) left no alter-
native open but an appeal to his
superior officer. You will discover
in perusing the correspondence that
I am referred by the Governor to the
Supt. of Customs as the proper
person before whom to bring
the complaint - but as I find no
such office or officer mentioned in
the Treaty or Trade Regulations I
do not feel authorized to communicate
officially with him. I hold that
under article 7 of the Tariff Convention
of Yedo signed June 25th 1866 the
Governor is the person and the
only person to whom I can
appeal and with whom I can

treat

treat and as well be sure in absence
of instruction from you declined to
recognise any other person

Enclosure no 2 was returned
to the Governor at his earnest request
and enclosure no 4 substituted

I trust Sir you will forget
yourself in this matter and find
it practicable to support me in
the stand I have taken.

I feel that this ——— person
who sometimes signs himself "
"Supt of Customs" and again "
"Commissioner of Customs" has been
anything but courteous and I
think should be made acquainted
with the rules of official courtesy
— the rights of a Minister — and
that for the benefit of all concerned

this

his position powers and responsibilities
should be fully and distinctly defined
if such eplat or are to be recognized.

I have the honor Sir

to be

Your most obedient Servant

C. O Shepard

Consul

Sent En No 1

Copy

No 268 U. S. Consulate

Kanagawa Dec. 6th 1872

Oye Tak Esqr.

Kanagawa Ken no Kami

Sir

It is with much pain that I call your attention to a gross discourtesy shown this Excellency the American Minister at the Custom House of this port on the morning of the 29th ult. Mr De Long had occasion at that time to drive into the public Custom House grounds when his horse and Bette were ruthlessly seized and a crowd of policemen called to surround his carriage. I therefore

ask

ask my Dear Governor that for the insult offered the Minister of the United States in the assault of his person and property the officers concerned therein be made to ~~to~~ apologise most fully completely and to his entire satisfaction and that they be instructed hereafter to enforce no rules or regulations not previously agreed upon between yourself and the foreign Consuls.

I have the honor to be

Sir

Your most obedient Servant

C. C. Shepard

Consul

Copy of translation

Sub In No 2

Government-office

Kanagawa Dec. 11th 1872

Sir

I have the honor to acknowledge the receipt of your letter calling my attention to a disscourtesy shown to His Excellency the United States Minister by the Policemen at the Custom House at this port on the morning of the 29th ultimo.

In reply I beg to state that I have duly enquired into the matter and found that no insult whatever was intended by the policemen of this Ken and therefore I shall be much obliged by your informing me more particularly

of

of the matter after you have
made farther inquiries.

I have the honor to be

Sir

Your most obedient Servant

Oye Tak

Kanagawa Ken Gen no Kami

C. C. Shepard Esq

U. S. Consul.

Sub Enc No 3

Copy

No 294 United States Consulate

Kanagawa Dec 11th 1872

Oye Tak Esq.

Kanagawa Ken No Kami

Sir

I have the honor to acknowledge the receipt of your letter dated this day in which you inform me of having entered into the matter of the discourtesy shown H. E. Mr La Long at the Custom House of this port on the 2d. of november, and find that no insult whatever was intended.

What was "intended" my dear Governor I of course cannot know but the fact I do know that the representative of

of a friendly Government whose property and person is by international law sacred and free from arrest in any and every civilized country in the world has been unprovokedly assaulted and without the slightest reason treated in a violent and discourteous manner.

I am at a loss to understand what further particulars you desire or what others may be necessary. The fact that an assault was made is I imagine quite sufficient in itself, and if as you protest no insult whatever was "intended" I trust you will see the less reason for delaying a thorough explanation as requested in my letter of the 6th inst. I understand that a

rude

rule or regulation adopted by the
rehmi of some irresponsible person
was violated but I most distinctly
maintain that no Custom House
rule or regulation whatever which
may result in the arrest of a
foreign Minister has the slightest
force nor is it in the least binding
upon any American citizen until
mutually agreed upon between yourself
and the foreign Consuls as for
Article 8 of the Tariff Convention I most
respectfully ask a speedy reply

I have the honor to be

Sir

Your most obedient Servant

C. O. Shepard

Consul

Copy of Translation

Encl. in No 4

Kanagawa Kenchō

December 19th 1872

Sir

I have the honor to acknowledge the receipt of your letter of the 6th of ~~September~~ December calling my attention to the discourtesy shown H. B. the Minister of the United States at the Custom House of this port, on the 27th of November and asking me to instruct the Custom House that in future no rule or regulation should be made without the mutual consent of yourself and me.

After mature consideration I beg to state that the above complaint does not come under my province and is entirely out of my jurisdiction but that it comes under the

Jurisdiction

jurisdiction of the Superintendent of the Customs House.

A communication was addressed to you on matters concerning ~~my~~ the Custom House by my predecessor Mr. Moritzo Kunnitzy on the 13th of January last- I see therefore less reason that you should communicate with me on the present affair only as I presume that all the business you have had therefore with the Superintendent of Customs has been transacted directly with that officer. Article 4 of the Tariff Convention signed by four foreign Representatives viz those of Great Britain, France the United States and Holland on the 13th day of the 5th month second year Kei or Humoya Dora and

Article

Article 7 of the Trade Regulations made with Austria and Hungary and though parts of them might seem to bear upon the present matter can scarcely be said to apply to the above named Article 7 was a mutual agreement in order to put a stop to certain abuses and inconveniences complained of relative to the landing and shipping of Cargoes and the hiring of boats Coolies Servants &c and the object of Art. 11 was to put a stop by mutual consent of the proper authorities of the open ports and the foreign Consuls to the abuses and inconveniences existing at the time or that should arise in future relative to the landing and shipping of goods and

and the hiring of boats Coolies
Servants &c. Consequently I believe
myself justified in stating that
the present complaint concerns the
Superintendent of the Custom House
and request of you to lay the matter
before that officer.

I have the honor to be

Sir

Your most obedient servant

Oye Sak

Kanagawa Ken Jon no Kami

C. C. Shepard Esq

U S Consul

Kanagawa

Copy of Translation

Sub Sec No 5

U. S. Consulate

Kanagawa Dec. 18th 1872

Oye Tak.

Kanagawa Ken Gon no Kanri

Sir

Concerning the matter of the affront offered H.E. Mr. Deboug

I have the honor in reply to yours of the 14th to say. that the portion of your letter referring to a communication addressed me by your predecessor- and that- other portion of the letter concerning the meaning of Article 7 of the Tariff Convention and Article 11 of the Austro Hungarian Trade Regulations I do not feel called upon to discuss excepting so far as they relate to your jurisdiction in this matter: as the only

only person mentioned in that Convention with whom I am authorized to treat. I call your attention to an insult offered any Minister and ask for redress. You can declare it without your jurisdiction and refer me to the "Supt. of Customs" I know of no other officer & recognise him except as your subordinate who for the sake of convenience to business Government or as a distinctive mark is given sometimes the title of "Superintendent of Customs" and again "Commissioner of Customs" as in the transaction of unimportant routine business I frequently receive Interpreters as messengers from yourself so I have transacted little matters of business with this gentleman in charge

of the Custom House but I entirely and will take deny that in conversing with the Interpreter and this gentleman I forfeit my right to discuss with you such matters as I deem proper. In view of all this I must respectfully but decidedly decline to confer with any one except yourself upon this subject or any other (except judicial) until I am instructed to do so by my superior officer.

Again I beg to call your attention to my letter of the 6th inst and ask that a speedy apology be made for the insult offered to, or that such a decided and equivocal answer be given as will justify me in laying

the

the matter before the Diplomatic Representatives of my country by whose directions I shall of course most cheerfully abide and in accordance with which I shall in future act.

I have the honor to be

Sir

Your most obedient Servant

H. O. Shepard

Consul

Sub Enclosure No 6

Certified copy of translation

Government Office

Kanagawa Dec 26th 1872

Sir

I am reply to your letter referring again to the late discourtesy shown to H.E. the Minister of the United States at the Custom House at this front I have the honor to call your attention to a communication addressed to you by my predecessor Mutzu Munemitzu on our 12th month last year when the Custom House was placed under the jurisdiction of the revenue Department (Sozei sio). notifying you that all business which your countrymen might have with the Custom House formerly under the jurisdiction of the Kanagawa Ken no Kami would in future

be

be transacted by the Superintendent of the Custom House and any disputes decided by him after consultation and conjointly with you and that any matter that could not be satisfactorily decided by both parties should be immediately referred by the Superintendent to the Minister for Foreign affairs and should be determined by him and by your Minister conjointly consequently removing all business of the Custom House from the Kanagawa Ken no Kami. I beg therefore to repeat to you that I cannot take up this matter.

I have the honor to be

Sir

Your obedient Servant

H. C. S. Shepard Esq
U S Consul
Kanagawa

Ogawa Taki
Kanagawa Ken no Gon

No 2

Copy

No 179

U.S. Legation Japan

December 28th 1892.

Sir

I have the honor to acknowledge your no 286 of yesterdays date with six inclosures relating to an indignity offered to me by the Japanese police and the refusal of the Governor to take cognizance of the affair. The utter disregard recently exhibited by this Government relative to the regulations heretofore adopted for the various ports is already giving my colleagues and myself considerable trouble. This affair brings up a similar difficulty but of a more serious nature.

I regret exceedingly that it is laid on a matter personal to

S

myself

myself I would with pleasure pass the affair over had not this correspondence between the Governor and yourself, raised the question of the right of this government to frame regulations governing the Customs Service independent of the foreign Authorities. As it is very probable that upon this subject they will be very tenacious it is essential we should be very certain of the correctness of such position as we may see proper eventually to assume To this end I wish you to furnish me with copies of all the correspondence that has hitherto passed between the authorities of this post and yourself relative to the adoption of Customs Regulations and the appointment of

of Customs officers; particularly the letter referred to by the Governor as having been sent to you by his predecessor, dated the 13th of January last.

I have the honor to remain

Sir

Your most obedient Servant.

C. E. De Long.

C. O. Shepard Esq.

U.S. Consul

Kanagawa Japan

No 3

Copy

No 13. U.S. Consulate

Kanagawa Jan 8th 1873

Hon C. E. De. Long

U.S. Minister

Sir

Enclosed I have the honor to hand you correspondence with the Custom House asked for in your No 179 of December 28th 1872.

I beg again to claim that corresponding or dealing with his subordinate officers does not deprive me of at any time appealing to or consulting with the Governor.

By waiving a right in certain instances I am sure I do not forfeit it and from a perusal of the correspondence it will be seen that no formal recognition was ever

ever made of the Superintendent or Commissioner of Customs as an independent or responsible officer.

I have the honor to be

Sir

Your obedient Servant

C. O. Shepard

U S Consul

Sub Encl No 1 -

Copy of Translation

Government office

Kanagawa January 15th 1859

Sir

I have the honor to bring to your notice that the Custom House which was formerly under the authority of the Kanagawa Kenno Kami. (Governor of Kanagawa) is now placed under the authority of the Revenue Department (Sojou sio) which comes under the direction of the (Dai jo Kan) General Government.

And that all the affairs of your countrymen in connection of the Custom House hereinafter will be transacted by Ogeno Sogei Bon no Kami Superintendent of Customs and all matters in reference to the above will be decided by him in connection

connection with the respective Consuls
Any matter that may be unable
to be decided by both parties will
then be referred by the Superintendent
to the Minister Foreign Affairs and
then will be determined by their
respective Ministers.

Hereby I beg to state for your
information that any of the affairs
of the Customs House will not be
any more under my control.

I have the honor to be
Sir
Your most obedient Servant
Mutsu Munemitsu
Kanagawa Kenno Kami.

Geo. N. Mitchell Esq.
H.B.M. Vice Consul

Sub Enc No 2

Copy of translation

Custom House

Kanagawa Jany 13th 1862

Sir

I have the honor to inform you that the Custom House at this port has now been placed under the control of the Revenue Department (Sojei sio) of the Finance

And that I have been appointed to the office of Superintendent of Customs (Sojei Gon no Kami) and hereafter will transact all the affairs of your countrymen in connection with the Custom House.

I herewith beg to solicit that the relations between us may be of the most friendly nature and good feelings.

I have the honor to be

Your

Your most obedient servant

Uzeno Kagenori

Sozei Son no Kenni.

Geo N Mitchell Esq

U S Vice Consul.

Sub En No 13

Copy of translation

Custom House

Kanagawa 14th January 1872

Sir

I have the honor to inform you that lately I have been appointed as Sozei Gon no suke. and will assist in transacting the affairs of the Customs.

Hoping Sir that the relations between us may be of the most friendly nature.

I have the honor to be.

Sir

Your most obedient Servant

Mutono Mononitetsi

Sozei Gon no Suke

Geo H. Mitchell Esq.

US Vice Consul

Sub Sec No 4

Translation

Custom House

Kanagawa January 19th 1873

Sir

I have the honor to inform you that in accordance with the annual custom no business will be transacted at the Custom House on the 25 of January as they will both be closed for the purpose of being cleaned.

I have the honor to be

Sir

Your most obedient Servant

K S Troyeno

Superintendent of Customs

Geo H. Mitchell Esq

U. S Vice Consul

Sent Jan 1873

Copy

U. S. Consulate

Kanagawa January 20th 1872

Mr. Meyino Kagenori

Gojei Gon no Kami

Sir

I have the honor to hand you herewith copy of a letter from Messrs J. H. Carroll & Co complaining that they are compelled to enter all supplies for ships at the Custom House although Article III of the Trade Regulations distinctly says no entry for same shall be required.

They also complain that they are compelled to break the Seals of treasure in order that it may be counted.

I have no doubt as to your right according to Treaty to examine and count

count- to arrive upon its being landed but- it- certainly is a very unusual custom and one which must- be annoying in the extreme and from which no benefit- can be derived.

In requiring the entry at- the Customs Clearance of Ships supplies I am of opinion that- the Customs authorities are acting in an illegal manner and pursuing a course entirely unwarranted by Treaty Stipulati

As complaints of a similar nature to this are daily brought- to my notice I have to inform you that- unless this regulation is contravention of our treaty rights is immediately abrogated or some valid reason given for the continued enforcement- I shall be compelled to lay the complaints before

before our Diplomatic Representative in Japan for his action.

I am Sir

Your obedient Servant

Per A Mitchell

Vice Consul

Sub En No 6

Leave of Translation

G. N Mitchell Esqr.
U. S. Vice Consul

Sir

I most respectfully submit for your consideration the following facts viz.

On the 5 inst J. D. Carroll & co an american firm made the application hereto appended for permission to pass five cases of yellow metal Ex Steamer "Oregonian" weighing per application (16) sixteen piculs

But upon examination by the proper officers the said five cases were found to weigh twenty piculs

The matter of this discrepance as might I have given special attention

attention and believe it was the intention of the said J. D. Carroll Bros to defraud my Government to some extent- consequently I have ordered the goods to be detained until the matter has been investigated by you as per notification No 11.

Hoping that you will give this your earliest attention

I have the honor to be

Sir

Your most obedient Servant

Ugens Kagenow

Superintendent of Customs.

Enclosure No 4

Copy of Translation

Custom House

Yokohama 15th April 1862

Sir

I have the honor to inform you that the Custom House will be opened at 10 O'clock A.M. from the 15th day of the 3rd month (22nd April) to the 30th day of the 4th month (2nd Sept.) and after those times will be closed at 4 O'clock P.M. as hitherto.

I therefore request that you will notify the matter to your countrymen.

Your obedient servant

K. S. Moegens

Superintendent of Customs.

G. N. Mitchell Esq.

U.S. Prov Consul

Sub Enclo 6

Jay

Translation

Custom House

Yokohama 13th April 1872

Sir

I have the honor to inform you that in consequence of officers of low rank having been hitherto employed as tide waiters thereby causing much annoyance to all concerned that - I have caused them to be superseded by those of a higher rank called Kwan sen shi

I therefore beg you to notify Captains of American vessels to treat - said officers with civility and allow them such reasonable accomodation as the vessel may afford.

I am sir

Your most obedient - Servant

G. N. Mitchell Esq. Masayuno Kagnori

US Vice Consul

Sub Encl 9

Reading of Translation

Custom House

Yokohama 23rd April 1892

Sir

We have the honor to acknowledge the receipt of your communication of the 28th inst referring to the boat belonging to the P. M. SS. Co. which was stopped and brought to the Yokohama by the Customs officers. We beg to inform you that the detention of said boat was on account of not having received a Customs permit.

On receipt of your letter we allowed the articles to be taken on board but as such things have been of frequent occurrance heretofore therefore causing much annoyance to the Customs and yourself we beg to request that you will issue an order to the effect that all articles landed or shipped shall be duly entered at the

Customs

- customs but on application a Special
- permission will be granted.

With respectfully

Nakayama Gioge
Watanabe Torie

G. N. Mitchell Esqr.
US Vice Consul

Sub Enclo 10

U.S. Consulate

Kanagawa May 1st. 1872

Sir

Your letter of April 30th is received as the articles in question are not articles landed or shipped I decline to issue any order of the nature you request. You are entirely wrong in this matter; a little attention to the last clause of Article 3 Regulations under which American trade is to be conducted in Japan will show you that supplies of that kind need no permit from the Custom House and I wish you distinctly to understand will not be applied for.

It would seem that your letter was in very poor taste after the conversation had with

Mr. Shepard yesterday.

Yours very truly

George N. Mitchell

U.S. Vice Consul

To

Nakayama Shoge

Watanabe Tomie

Encl. En No 11

Language of Translation

Custom House

Yokohama May 1st 1862

Sir

I have the honor to request that you will notify the Captain of American Vessel "Ariel" now lying in this port that it is unnecessary for him to allow the Customs Tide Waiters on board his ship to dine with him at the Cabin table.

While I take this opportunity of expressing my thanks for his kindness I beg to assure him that it is needless as they are provided for by the Customs House.

Should it be impossible through Stress of weather to send provisions on board I shall be obliged to ask his kind indulgence on behalf of the said

said Tide Waiters

I have the honor to be

Sir

Your most obedient Svt.

Nakayama Seige

G. N Mitchell Esqr.

U.S. Arci Consul

Sub In No 12

Copy
Translation

Custom House

Yokohama 2nd May 1872

Sir

I have the honor to acknowledge your communication respecting Mrs. O. Miller.

In regard to the same I beg to inform you that the chests will be delivered to him at any time he may demand them.

I furthermore beg you to caution him to act in such a manner as to avoid all such vexatious matters in future.

With respect & consideration

Nakayama Yuzo

Geo N. Mitchell Esq.

U.S. Vice Consul

V

Copy of translation

Encl No 13

Custom House

Yokohama. 2nd Aug 1872

Sir

I have the honor to inform you that Mr Woozeno Kagenori late Superintendent of Custom House at this port having been promoted to 5th Rank and removed to Tokio will hereafter exercise no control over any matters connected with the Yokohama Custom House.

I am Sir

Yours faithfully

Nakayama Iwoge

Geo N. Mitchell Esq.

U.S. Nisi Consul

Sub En No 14

Copy & Translation

Customs License

Yokohama May 2nd 1872

Sir

I have been appointed by the Imperial Government to the 4th rank (Okuwasha) and Superintendent of Customs at this port. I beg to request that you will notify all your subjects within your jurisdiction that hereafter all matters connected with the Yokohama Customs be subject to my decision.

I hope that the most cordial relations may in future exist between us.

I have the honor to subscribe myself your most obedient Servant.

Nakagawa Tsuge

Leo A Mutchell Esq

U.S. Vice consul

Enclosure No 1015

Leaving
Translation

Customs House

Yokohama 2nd May 1859

Sir

Having been appointed by the Imperial Government to the 4th rank (Ohmosho) and Assistant Superintendent of Customs at this port I will in future assist in transacting matters connected with the Yokohama Customs. I therefore beg to request that the most cordial relations may in future exist between us.

I am Sir

Your faithfull

Matanabe Tokei

Geo. N. Mumtchell Esqr

U.S. Vice Consul

Sub Enc No 16

Subject
Translation

Custom House

Yokohama May 6th 1872

Sir

I have the honor of submitting for your approval the following facts viz.

On the 3rd inst the American firm of Isaacs & Bros. made an application to pass Ex "Great Republic" from San Francisco 22 rolls Leather marked (Z) B weighing according to their application 25 piculs

But upon examination by the Customs Inspectors said goods were found to weigh over 3 46/100 pics

Believing that it was the intention of the said firm to defraud the Customs I informed him that he was liable to a fine of $125 (one hundred and

twenty five) in accordance with article 5th of the trade regulations which fine he paid to day and took delivery of the goods.

Hoping that my action in this matter may meet with your concurrence

I remain

With respectful re

Nakayama Shoge

Geo N Mitchell

U.S. Vice Consul

Encl No 17

Copy of Translation

Custom House

Yokohama May 9th 1872

Sir

Having been appointed by the Imperial Government to the 7th rank and Assistant Superintendent of Customs of this port I will in future assist in transacting the business connected with the Yokohama Customs, I therefore beg to request that the most cordial relations may in future exist between us.

I am Sir

Your most obedient Servant.

(Signed) M. Akima.

Geo. M. Mitchell

U S Vice Consul

Enc No 18

Copy of Translation

Customs House

Yokohama 14th May 1872

Sir

We have the honor to inform you that in accordance with the annual Custom the Custom House will be closed on the 13th day of the 4th month (21st May) for the purpose of holiday or celebration in honor of Buyengie.

We furthermore beg to inform you that the Customs will henceforth observe the Custom yearly

With respect & consideration

Wakayama George

Watanabe Toker

Geo N Mitchell

U.S Vice Consul.

Copy of translation

Lock Box No 19

Custom House

Yokohama July 16th 1872

Sir

On the 23rd of June last- Mr. Nakayama dispatched a letter to you informing you that- on the 22nd of said month Mr. Brown one of your subjects had tried to import- ten pounds of opium a prohibited article

The penalty according to treaty regulations for such an attempt is the confiscation of the opium besides a fine of fifteen dollars for each and every pound which is thus tried to be imported and we demanded this in the case of Mr Brown

As we have had no answer from you so far, we beg to call your

attention

attention to this matter again we hopes
you will give a speedy decision
in conformity with the Treaty
Regulations

I have the honor to be
Your very obedient Servant
M. O Summa

Geo. H Whitehill Esq.
U S Vice Consul

Subj

Sub Ex No 20

No 139. U. S Consulate

Kanagawa Japan

July 25th 1872

S. Nakayama

Supt. of Customs

Sir

Acknowledging the receipt of your letter of the 25th ultimo concerning an alleged attempt on the part of Mr. Brower to illegally import opium I have to state that in order to obtain the assistance of this Consulate in compelling the fragment of the fine for breach of the trade regulations it will be necessary for you to secure judgment against Mr Brower in the U.S. Consular Court.

In order to do this you will have

to

to lodge a formal complaint properly
verified setting forth the facts
Upon this complaint a hearing will
be had and judgment rendered
by which judgment Mr Brower will
be found and which he will be
compelled to pay.

I must decline to render
any aid or assistance in compelling
Mr. Brower to pay any fine or penalty
which you may have levied as I cannot
recognise the authority of any except-
ive
At S. to decide the rights of American
citizens.

I am Sir
Your obt. Servant
George H. Mitchell
Amer Consul

Desp'g

Inclosure No 21

No 103 Imperial Customs

Yokohama Aug 16th 1872

C. O. Shepard Esq.

United States Consulate

Yokohama

Sir

I have had under consideration the correspondence which passed between my predecessor Nakayama and Mr. Geo H Mitchell Ass't Vice Consul relative to a complaint which was made against Mr Brower a citizen of the United States for having on the 22nd of July last attempted to import some ten pounds of opium into Yokohama.

Mr Nakayama was of opinion that Mr. Brower had attempted to smuggle this opium and on reference to the

enclosed

enclosed copy of the application which was made by Mr. Brower it will be shown that although the amount was contained in a separate line it was entered on his application under heading of "drugs."

The opinion which I may eventually form as to the probable intention of Mr Brower at the time will be materially influenced by any explanation which he may choose to offer me through you or to the reason of the indefinite wording of his application for permit.

As regards the more important question as to whether the opium should be allowed to pass the Customs or not I would refer you to the last paragraph of the second regulation under

under which American trade is to be conducted in Japan and also to Clause III of the import Tariff attached to the Convention of 1866 from which you will see that the importation is prohibited. You will of course understand that while it is my desire to facilitate in every way the transaction of business between citizens of the United States and this office it is not in my power to alter the regulations which have been agreed upon by the Ministers of our respective countries

And I therefore shall take an early opportunity of asking their Excellencies the Minister for Foreign Affairs for further instructions upon this point. In the mean time the sum will be detained at the Custom House

I have the honor to be Sir

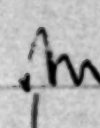
Your obedient Servant

S. A. Motons

Superintendent of Customs

Copy of Application made by Mr. Brouner.

Inspector of Customs please grant permit to land from American Steamer "Grain"

Marked 

1 Bbl. Plaster	4 25
3 Pkgs. Drugs	48.38
1 Case pictures	20.00
15 Carbolic Acid	94 04
18 Cases grates and ornaments	438.45
1 Case Books	42.06
	$ 644 18

Copy

Enc. No 22

Imperial Customs

Yokohama 16th August 1872

C Brunnald Esq

Consul General for Switzerland

Sir

I have the honor to forward to you the enclosed copy of certain regulations which I have caused to be drawn up relative to the transaction of the business at the Customs Shipside

I am desirous that these regulations should come into force from the first of Sept. next and I have therefore to request that you will in conjunction with the Consuls of the other Treaty Powers give them your consideration and return them to me in time to make them public a week

before

they come into operation.

I have the honor to be

Sirr

Your very obedient Servant

(Signed) S. F. Brotons

Superintendent of Customs

Sub En 1023

Copy

No 159. U. S. Consulate

Kanagawa Aug 17th 1872

E. S. Motono Esq

Supt of Customs

Yokohama

Sir

I have the honor to acknowledge the receipt of your extremely courteous note and in reply beg briefly to review the points of the case in question

You claim that under the trade regulations that the importation of opium is prohibited. In this we entirely agree for not only do the trade regulations prohibit but the treaty also does the same. You claim that Mr. Brower attempted to import some ten pounds of opium into Yokohama "Granted"

hence the opium is undoubtedly subject to confiscation. Mr Nakayama claimed that Mr Brower attempted to smuggle this opium." Here is the only point upon which we differ: he entered the case among other things as "Drugs. So they are I am sure we both agree. The small box containing this particular article was labeled on the outside in large letter "Opium" the Invoice showed 10 lbs of Opium The duty was paid on the whole amount of this Invoice which duty is still held by you. The smuggling is as I understand it to import or export secretly merchandise which is prohibited by the Government to be imported or exported.

Did Mr. Brower import secretly? I think not For nearly 3 years he had done the same things violating the letter but

but not the spirit of the Treaty

The desire of the Government was to take it to prevent the importation of smoking opium but not to exclude this most necessary drug which I am informed cannot be smoked and but for which if the best medical authority can be credited we should be entirely at the mercy of an epidemic like "cholera" I appeal to you as a thinking man and an officer in whose judgement the Government places confidence to weigh this latter point well

If you were merely an automaton or a "tide waiter" it would be different but I apprehend that you are not placed in the responsible position which you now hold to act blindly without reason, but to meet questions as they

arise

arise with your good gudgment

That the opium was in the invoice and duty was paid upon it and as still held is the best proof that it was not smuggled

1st. Only two things I claim that Mr Brower did not smuggle nor attempt to smuggle hence is ~~not~~ liable to no fine

2nd That common humanity demands some arrangements by which the necessary amount of medicinal opium be allowed But the person or persons under bond or something of the kind

Any reasonable arrangements I shall be perfectly satisfied with.

Again in conclusion let me distinctly state that legally you are entirely erred in prohibitating the importation and did I not think Mr Brower entirely innocent

of

of smuggling or attempting to smuggle
And I not think a reasonable amount
of opium absolutely necessary for the
safety of the community. I would by no
means take the course I have
Trusting in you for some solution of
this difficulty

I have the honor to be

Sir

Your obedient Servant

C. C. Shepard.

Consul.

Copy

Sub 24 No 24

No 160 U. S. Consulate

Kanagawa Aug 14th 1872

S. R. Matoon Esq

Supt. Customs

Yokohama.

Sir

Referring to my No 159 of 14th Aug. I have the honor to supplement the same with copy of a statement made by Mr. Brower which I enclose herewith

I have the honor to be

Sir

Your most obedient servant

(Signed) C. O. Shepard

Consul

Inclo Enclosure 25

No 110 Imperial Customs

Yokohama 28th August 1872

C. C. Shepard Esq.

U S. Consul

Sir

I have the honor to acknowledge the receipt of your letter no 159 and 160 relative to a small quantity of opium brought here by Mr. Brower and detained in the Custom House.

You inform us that although in the application for permit this opium was entered as a drug the Invoice and the mark upon the box showed that that particular box contained opium. and that duty was paid upon the whole Invoice and you conclude therefore that

Mr.

Mr. Brower had no intention of smuggling the opium.

I must remind you however that at the time this opium was imported it was not the custom to insist upon the production of Invoice and Mr. Brower was aware of this fact.

Further although the box might have been marked "opium" it was not until the outer box was opened by the Customs appraisers that this fact became known to us. The duty tendered was certainly accepted but opium being a prohibited article the fact of its not being entered on the application was thought to be an attempt to blind the Custom House Authorities by passing it, as a Drug and the value of the hopes being entered

on

on the application at only 78 3d/lb
it was considered that this was sufficiently
low to represent the price of the drugs
without the Opium, but although duty
was accepted under the circumstances,
if Mr. Brower will bring his Invoice
to the Custom House and satisfy us
that the Invoiced price corresponds
with the value entered on the application
I am pleased to return him such
portion of the duty as shall appear
to have been paid upon the application
I agree with you that Opium is a
Drug. but in entering Opium under
that heading it will hardly be denied
that Mr. Brower was guilty of
concealing part of the truth of either
wilfully or unwillingly resorting
to a subterfuge whereby the true nature
of

the contents of that particular box could only be ascertained by opening it and with this act of his I find fault

Even admitting it to have been a error it is one of a very serious nature and one which I cannot overlook.

Supposing for instance the box instead of opium had contained Gumm or Rhubarb. these are both drugs and pay a specific duty could it be said that in entering them under the indefinite heading of drugs the importer had no idea of paying an ad valorem instead of a specific duty if the former were to his advantage; and how much more serious is the mistake when committed in regard to an article concerning the importation

of

of which the Treaties are so particular

For this error if error it be Mr.

Brower must suffer. and although

I shall not insist upon the infliction

of a fine I cannot consent to pass

the opium through the Custom House

I recognise the fact that I am

placed here not as an automaton

or a Side waiter but to exercise

judgment and discretion in settling

questions of this kind as they arise

and I trust you will do me the

justice to believe that in this

instance I have seriously considered

the question in all its bearings.

and that I have arrived at a decision

which is justified from my view

of the circumstances. I think

with you that it has become

a

a necessity that some arrangements should be made by which small quantities of opium for medicinal purposes may be allowed to be imported under guarantee; but as this would necessitate a modification and the literal wording of the Treaty it is taken out of my hands and becomes a question to be decided by the Kencho in conjunction with the Consuls.

I have the honor to be

Sir

Your obedient humble Servant.

E. R. Watson

Supt of Customs

Encl No 26

Copy

No 176. U S Consulate

Kanagawa Aug 31st 1872

S. Matono Esqr.

Supt of Customs.

Sir

In regard to the Customs Shed regulations presented to the Consuls for approval I have the honor to say that if in article V after the words in Art III "the words "unless obtained by the Customs House authorities be inserted also if Art. XI be made to read. "horse or vehicle shall be allowed unnecessarily to occupy the thoroughfares" and also in Art XIII the words "forcibly removed if necessary" be omitted, I shall have pleasure in giving my approval

The 5th Article unchanged makes it

possible for a Merchant to suffer by an act of the Custom House

The 11th might entirely prevent a Cart from loading and the 13th confers upon the Japanese officers rights conferred by the treaty.

These changes are slight and I trust will meet your view.

I have the honor to be sir

Your obedient Servant

C. C. Shepard

U.S. Consul

Ent In No 27

Copy
Translation

No 114 Imperial Customs

Yokohama 1st Sept 1892

C. A. Shepard Esq.

United States Consul

Sir

I have the honor to acknowledge receipt of your letter No 176 of 31st ultimo, intimating to me various objections which you entertained to the Customs Shed Regulations which formed an enclosure in my despatch No 104 of the 16th of August. In reply I would submit to you that to insert the words you propose in Article 5th would be either to anticipate some improper act on the part of the foreign Merchants

necessitating

the detention of their goods or to anticipate the commission of some illegal act of detention on the part of the Custom House Authorities against neither of which evils do I deem it necessary to provide.

With regard to your objection to article XI there are proper places where carts may load and unload and the object of the rule is to prevent the destruction of traffic by carts blocking up the way.

The thoroughfares are roads of approach to the Sheds and I cannot consent to carts being allowed to occupy them.

With reference to Article XIII I think it

it is the duty of the police to apprehend any person creating a disturbance and that no Treaty can take away the right inherent in every public office to insist upon the maintenance of order within its premises and to have the same secured by proper force if necessary.

As a matter of course the guilty parties would be taken before their Consuls if it were considered to be a matter of sufficient importance. I trust that these explanations will remove your objections to the regulations which I propose to put into operation on and after the 14th inst.

I

I have the honor to be

Sir

Your obedient- humble Servant-

S. B. Mattocks

Superintendent of Customs

Sub Enclo 28

Treasury Translation

Imperial Customs

No 117 Yokohama 14th Sept. 1872

To

C. O. Shepard Esq.

United States Consul

Sir

I have the honor to request that you will give notice to your countrymen that all applications to the Custom House for the entry of goods to be landed or shipped by the owner or consignee of such goods or by some person duly authorized by him to sign per procuration.

Applications by clerks not authorized to sign per procuration only Etimaires will in future not be received.

I

I have the honor to be

Sir

Your obedient humble Servant

S. B. Motons

Supt. Customs

Copy of Translation

Sub Sn No 29

No 138 Imperial Customs

Yokohama 16th Sept. 1872

To C. E. Shepard Esq.

United States Consul.

Sir

I have the honor to forward to you herewith copy of the Customs Shed Regulations.

I have the honor to be

Sir

Your obedient-humble Servant.

S. F. Motono.

Supt. Customs

Copy

Sub Enc No 30

No 189 U. S. Consulate

Sept 17th 1872

S. B. Moteno Esq.

Supt. Customs

Sir

I have the honor to acknowledge receipt of your No 117 dated Sept. 14th Concerning the entry of goods.

Your requirement is justified by and provided for in Article 8 of "Regulations under which American Trade is to be conducted in Japan."

I see no necessity of notice being given by yourself to me nor by me to my countrymen.

If you have not seen fit heretofore to exercise a right which you possess it

it may be well before doing so to give notice yourself but I cannot see why I should publish a fact with which all Americans should be acquainted.

I am Sir

Your obedient Servant

C. L. Shepard

Consul

Copy of Translation

Sub En No 31

Imperial Customs

Yokohama 12th of October 1872.

C. C. Shepard Esq.

United States Consul

Sir

I have the honor to inform you that Mr Sowder having been appointed Legal Adviser to the Imperial Revenue Department will assist in the transaction of the business of the Customs House at this port.

I have the honor to be

Sir

Your obedient humble Servant.

Nakayama Goge.

Supt. of Customs.

Copy of Translation

Sub In No 32.

Imperial Customs

Yokohama 11th November 1872

Sir

I have the honor to inform you that having been appointed Superintendent of Customs at this Port vice Mr Nakagawa Koge I have this day entered upon the duties of my office.

I trust that our relations may be characterized by that friendly good feeling which is so necessary for the efficient transaction of business which we are mutualy interested in

I have the honor to be

Sir

Your obedient Servant.

Nakashima Nobuyuki

C O Shepard Esq. Vice Comm'r of Internal Revenue

Act Consul.

No 4

No 37. Legation Japan

February 8th 1873

Sir.

At a meeting of the Diplomatic Corps on yesterday Mr Watson presented from Consul Robertson a lengthy communication relative to Compradores setting forth the proceedings taken by himself and as I understood by the Consular Body.

He also presented the urgent necessity for immediate action

Also Mr Watson presented another communication from H B Mis Consul relative to the recent establishment by the Japanese Government of a table of Court Fees and asked instructions

His communication also showing that

C O Shepard Esq

Consul Kanagawa Japan

that this matter had been presented to
your Honorable body and had been
discussed at length between the local
authorities and himself.

I was prest to admit that I had received
no communication from you on either
subject and I requested a postponement
of the consideration of this business
until the next meeting on Tuesday next -
which was agreed upon.

As these matters will then be called up
for final consideration I would thank
you to inform me what if anything
you have had to do with either subject

I have the honor to remain

Sir

Your most obedient Servant

C. L. D. Long

[TRANSLATION.]

CUSTOMS' SHED REGULATIONS.

7TH SEPTEMBER, 1872.

ARTICLE I.

Hours for delivery.

The hours for the delivery of goods, wares, or merchandize, temporarily placed in the Customs' Sheds, shall be from sunrise to sunset, Sundays and holidays excepted.

ARTICLE II.

Goods may be stored in Customs' Sheds for 4 hours.

All goods, wares, or merchandize, except as hereinafter provided in Art. IX of these Regulations, may, for a not longer time than twenty-four hours, be placed in the Customs' Sheds, in a place to be designated by the officer in charge thereof.

ARTICLE III.

Temporary Warehouses to be set apart, to which merchandize may be removed from the Sheds by owners.

Warehouses will be provided, to which, after the expiration of the twenty-four hours above mentioned, all goods, wares, or merchandize, except as hereinafter provided in Art. IX of these Regulations, may, with the consent of the officer in charge of the Customs' Sheds, be removed by the owners or consignees for a further period of not more than forty-eight hours, during which time goods so stored will be free of warehouse charge, but at the risk of the owners or consignees.

ARTICLE IV.

Superintendent may remove goods from shed to temporary warehouses after lapse of 24 hours.

All goods, wares, or merchandize not removed from the Sheds, as provided in Art. II, may, after the expiration of twenty-four hours, be removed by the Superintendent of Customs, at the risk and expense of the owners or consignees, to the temporary warehouses mentioned in Art. III, where they will be allowed to remain for a further period of forty-eight hours, at the expiration of which they may be treated as provided in Art. V. of these Regulations.

ARTICLE V.

Superintendent may remove goods to Bonded Warehouses after lapse of 72 hours.

All goods, wares, or merchandize not taken delivery of from the godowns within the forty-eight hours mentioned in Art. III, may be sent by the Superintendent of Customs to the Bonded Warehouse, at the expense of the owner or consignee, and be there stored, subject to the Bonded Warehouse Regulations.

ARTICLE VI.

Unclaimed goods, how to be disposed of.

All goods wares, or merchandize landed at the Port of Yokohama, and not claimed within seventy-two hours from the time of landing, may be removed by the Superintendent of Customs to a Warehouse to be styled "The Warehouse for Unclaimed Goods," and there stored at the risk and expense of the owner or consignee thereof, for a term of one year, at the expiration of which they may be disposed of, as provided by Art. XIV of the Bonded Warehouse Regulations of 1st March, 1869.

ARTICLE VII.

Japanese Government not responsible for goods while in shed or temporary warehouses.

The Japanese Government will take reasonble care of all goods, wares, or merchandize that may be in their charge during seventy two hours after landing, but will not be responsible for the safe custody of any goods not stored in the Bonded Warehouses.

ARTICLE VIII.

Saving clause to Art. III., in case of bad weather.

When, owing to the inclemency of the weather, or for other good reason, to be shewn to the satisfaction of the Superintendent of Customs, it would be a hardship strictly to enforce the provisions of Art. III as to removal of goods from the shed, the Superintendent of Customs may extend the time therein mentioned, so, nevertheless, that no goods, wares, or merchandize shall, under any circumstances, remain in the charge of the Customs' authorities (unless stored in the Bonded Warehouses) for a longer period than seventy-two hours.

ARTICLE IX.

What goods may not be placed in the shed or temporary warehouses.

The goods enumerated in Art. XVIII of the Bonded Warehouse Regulations of 1st March, 1869, will on no account be received into the Customs' sheds or temporary warehouse, but must be taken delivery of immediately they are landed.

ARTICLE X.

Power to Superintendent of Customs to dispose of goods mentioned in Art. IX., not taken delivery of.

In case of neglect by the owner or consignee to take immediate delivery of the goods referred to in Art. IX of these Regulations, the Superintendent of Customs may have such goods removed to a place of safety, either on shore or afloat, and all expenses attending the removal and storage of such goods shall be paid by the owner or consignee, at such enhanced rate as the Superintendent of Customs may decide upon.

ARTICLE XI.

Thoroughfares not to be obstructed.

No goods, wares, or merchandize shall be placed in the thoroughfares of the Customs' premises, and no horse or vehicle shall be allowed to occupy the thoroughfares.

ARTICLE XII.

Smoking prohibited.

Smoking is strictly prohibited in the Customs' Sheds and Warehouses.

ARTICLE XIII.

Quarrelling prohibited.

Persons quarrelling or creating a disturbance in the Customs' premises may be forcibly removed, if necessary, and taken before their Consuls.

The above Regulations will come into force on and after the day of 1872.

Copy

No 5

No 46. U. S. Consulate.

Kanagawa Febr. 8th 1873

H. E.

C. E. De Long

U. S. Minister.

Sir

I have the honor to acknowledge receipt of your no 31 of this date concerning the matter of the Confiradores I did not exactly like the manner nor the spirit in which the matter was brought up and dismissed in the consular meeting and hence declined signing the letter sent the Governor

Knowing the Governors intentions to be the best & thought it judicious and proper to see and reason with him rather than write

write a sharp letter.

This I did and in letter in consequence of that conversation or Consuls letter. the order was withdrawn I cannot say but I learn it is however cancelled. My conversation was in brief this— That I did not doubt his good intentions but that it seemed to me he had gone too far. That if he had simply informed the merchants that this Commission or "squeeze" was something that they were not obliged to pray instead of telling them they should not pray it under penalty of a fine, I thought it would been better; if after that they paid, they did so with eyes open.— The Governor thanked me

me for my friendly advice and the next thing I heard was the withdrawal of the order.

It was brought up by a merchant Consul (Mr. Barrier) and I thought I saw in it the furthering of personal ends rather than an effort for general good hence, I took the course I did.

The President of the judicial court did some days ago forward me a scale of Court Costs for his court.

I simply replied that if the Japanese Courts were to charge Americans Court Costs. I should be obliged to do the same with Japanese. = Mr. Nishi called upon

upon me and said this of course
be expected

I did not refer either of these
matters to the Legation simply
because it did not seem to
me necessary.

I have the honor Sir
to be.

Your obedient Servant
C. O. Shepard.
Consul

No 6

42. Legation Yokohama

Japan February 8th 1873

Sir

I acknowledgment of your No 46. of even date herewith. I beg leave to state that whilst I fully agree with you and with the Japanese authorities in condemnation of the Comprador system; and whilst I even go further and think you acted wisely in giving the Governor the advice that you did yet in the action the Governor had taken there was such a palpable violation or rather infraction of our treaty that this community was warranted in manifesting some excitement and it formed a subject well worthy of joint Consular action; the importance of this business looking as it did to diplomatic interference

to O Shipard Esq should

H.B.M. Consul Kanagawa

Japan

should in my judgment have been reported by you to me as soon as you discovered that you could not act in concert with your Colleagues: and hence that they would probably at once report this matter to their superior officers

The subject of Court Dress is one that has heretofore been agreed by me with my Colleagues and the Japanese Government under instructions received by me from the Department of State I quite agree with your suggestions as to the course that is to be pursued by us in the event that the Japanese Government sees proper to depart from this system that has heretofore maintained but I think that when such departure was proposed to you, that you should at once have made it known to this Legation and allowed me to have arranged in connection with my Colleagues

and

and the Japanese Government some misapprehension upon the subject instead of negotiating such a rule by yourself unknown to me

It is certainly within the province of the law and of our respective official relations that touching all matters of general concern to our people in their relations with nations that all of our Consular Officers should confer freely and promptly with their Legation

Such I hope is your view and I beg you in the future to observe it

I have the honor to remain

Sir

Your most obedient Servant

C C DeLong

No 7

Copy No 49. U.S. Consulate.

Kanagawa Feb 11 1872

Hon

E. C. De Long

U. S. Minister.

Sir

Having but this moment returned from Yedo the time for reply to your No 42. is consequently so short that I cannot enter into the explanatory answer I would like, but must content myself with enclosing copies of correspondence upon the matter of Court costs, and with stating that upon the matter of Compradores exactions I have had no correspondence with the Governor. The Regulation was I believe sent around as a circular and my recollection

recollection is that I was too busy to peruse the same, hence sent it on with my initials, as are receipts for a letter in a slit book.

The first I heard of the dispute was at the Consular meeting and my subsequent action I have already detailed to you.

I believe the objectionable Notification has been withdrawn, but as no communication was ever properly made to me of it, and as I have on file no complaint concerning it the matter has not received at my hands the attention it otherwise would.

I have the honor to be

Your obedient Servant.

E. O. Shepard
Consul

Sub En No 1

Copy

Judicial Court of Kanagawa.

28th January 1873

Sir

I have the honor to inform you that concerning the Court expenses in this country a tariff has now been drawn up as per enclosure which tariff shall come in force from the 1st of February next. Kindly give your full attention to this matter.

Requesting you to give beforehand notice concerning the above to all your countrymen residing here

I am Sir

Your obedient Servant.

Chishi Shigenori

President of the Judicial Court

C. O Shepard Esq. of Kanagawa.

Ud Consul.

Sub In No 2

Hitherto plaintiff and defendant had each to defray their own share of court-expenses sometime also this was done by the village or town of their domicile. With regard to witnesses or other persons summoned they are obliged to abandon their business occupation for other peoples sake, but frequently it happens that among them there are persons of but small means who by such circumstances to great inconvenience particularly as far as the subsistance of their family is concerned.

In order to remove this rules have now been drawn up as per annex and said Court-expenses shall hereafter be provided for by that party only who loses the case whether he be the Plaintiff or Defendant.

Clyde Bridgeye Barry D'Mouth

Seto Mukuna. Asst of justice

Fukasaka Takachiho

Vice Minister of Justice

Enclosure No 3

Copy of translation

Reformed Provisional Civil Tariff

Art. 1st.

Writing fee of petitioners and other documents, 10 Sen per leaf of 16 columns containing 13 characters each. The above tax applies to.

S. 1. Plaintiffs petition original & duplicate

S. 2. Defendants answer original & duplicate

S. 3 Copy of evidence that cannot be contained in the petition or answer.

S. 4. Any documents that are to be handed into the Court for evidence either by Plaintiff or Defendant

S. 5. Correspondence concerning the case between the parties in the course of the proceedings

Art. 2. Shall be allowed to witnesses and other parties summoned. 50 Sen per day

Remark: Persons domiciliated in another town or

town or place will receive 25 sen in addition for lodging expenses &c until further rules will be drawn up the above will also apply to assistants in court.)

(Sasvinia)

The above applies to:

S. 1. The days of trial and judgment.

S. 1 The days of the parties meeting in the lobby of the Court. if an amicable arrangement be arrived at.

Art 3. Traveling expenses of the same & 10 Sen per one ri both for coming and going back

(With regard to assistants in Court-see above)

i. e.

S 1. One day will be calculated at the rate of 10 ri

S. 2. In case there are two roads of different length

length the shortest one will be taken as basis for the allowance although the longest one may have been taken

S. S. If the voyage is made by Rail Way or Steamer the real distance will be calculated upon.

S. 4. This article only applies to travels in japan

Art-4. Shall be allowed to Defendent in case he turns out to be the winning party. 50 Sen per day

If residing in another town or place 2/3 addition Sen will be allowed for lodging expenses &c.

No allowance will be made to Plaintiff even if his claim or complaint be a just one.

This article applies as Article.

Art: 5. Defendents travelling expenses

10 Sen per one ri both for coming and going back. See Article 3.

Art 6. Interpreters fee

3 Sen per day. See S. 1. and 2 of Art 2

The travelling expenses will be calculated in accordance with the above Regulations.

Art 7. Translation Fee.

2 Sen per leaf of 16 columns containing 15 characters each. Part of a leaf will be calculated as one leaf. See Art. 1.

Art 8. Messengers.

10 Sen per one ri distance.

5 Sen for less than ½ ri

If the distance is or exceeds 5 ri the fee will be charged twice (going and back)

Appendix as hereafter

S. 1. To any Message concerning the case made by one of the parties with the

consent of the other while awaiting trial at the Saibanaho.

S.2. To any message made by one of the parties with the consent and stamp of the Magistrate during the trial.

S.3. To message made by one of the parties with the stamp of the Magistrate to the other party who failed to his promise to appear in some place or the other for the settlement of the case

S.4. To emergency communications by the court for one or both parties

Art 9. Postage and Telegrams taxed as per respective tariff.

See Article 8.

Art. 10 Bankruptcy costs shall be calculated according to the circumstances contingent.

Besides the fees mentioned in the above article no charge can be recovered from the losing party.

Should there be any other costs to be recovered orders are to be taken from this Ministry of Justice.

Cyde Midzuoye Dawu 10th mm

The Minister of Justice

Seto Mukura

The Vice Minister of Justice

Tukokuka Tachichika

To come in force from the second month of the year Midzuote no to

Sub En No 4

No 34 U.S. Consulate

Kanagawa January 29th 1883

Nishi Shigenori.

President of the Judicial Court of

Kanagawa.

Sir

Acknowledging receipt of your note enclosing schedule of "Court Expenses" I have the honor to ask if it is intended to enforce them in case an American is plaintiff

If so I must of course enforce costs against Japanese in my Court. which has not heretofore been done

I have the honor Sir to be

Your obedient Servant

C. C. Shepard

Consul

Copy

Sub En. No 5

Judicial Court of Kanagawa

31st January 1873

Sir

I have the honor to acknowledge receipt of your letter dated 29th ult in reply to which I beg to say that having received instructions from the Gov. Ho. Sho. in Tokio with regard to the provisional Tariff concerning the payment of costs in our courts to come in force also in this Court from the 1st of February next. I had the honor to communicate the same to you.

I then was communicated with your question as to whether it was my design to levy any Court fees from your countrymen instituting any actions in this Court, and

also

also with your advice that if so you would be compelled to enforce the same costs in the case of the japanese subjects now suing in your court which had not heretofore been the case.

As it was fully explained in the course of the conversation I had with you yesterday it must be understood that the Tariff in question is no tariff of fees to be received by this court, but merely a rule the payment of which applies such expenses made by the parties themselves in view of and and during their action to the losing party.

In most cases a certain sum of money according to the nature

of the complaint should be deposited by the plaintiff as a security for the payment of said expenses, which sum would after judgment be used for defraying the same.

If the Defendant turns out to be the winning party; the remainder of which if there is any after all the expenses being covered would be given back to the plaintiff.

On the contrary when the Plaintiff turns out to win the case. the whole amount of his deposit is to be given back to him.

With respect to a tariff of Court-fees to be levied by this Court.

I have the honor to inform you, that as yet no such has been established

I

I am Sir

Your obedient Servant

Nishi Shigenori

President of the Judicial Court of Kanagawa

R. C. Shepard Esq

U. S. Consul

Copy

No 8

No 45 U.S. Legation

Yokohama Feb 11th 1873

Sir

Sir reply to your no 49 of this date I beg leave to state that the enclosures therewith show that you addressed the Japanese Authorities some note. Sir reply to theirs about charging costs in judicial proceedings.

Ho copy of your note accompanying your letter to me I would thank you to send me a copy of any ~~any~~ communication upon the subject that you have written.

I have the honor to remain

Sir

Your obedient Servant

C. C. Shepard Esq. C. E. Le Long

U S Consul

Kanagawa Japan

Copy

No 9

No 50 United States Consulate

Kanagawa Japan Feb. 13th 1873

Hon

C. E. De Long

U.S. En Ex and Min Plen

Sir

I have the honor to acknowledge receipt of your Excellencys dispatch no 45 of date Feb 11th in which you state that no copy of my note to the Japanese Authorities in reply to theirs proposing to charge costs in judicial proceedings was sent you among the enclosures of my no 49 of same date.

I beg most respectfully to suggest that a thorough examination of the enclosures of said dispatch

No 49

No 49 will reveal the desired docume
which an imperfect perusal led
your Excellency to state was lacking.
Should an examination be made
I think your Excellency will
discover the letter referred to upon
the 3rd page of a sheet containing
the concluding portion of the
proposed fee.

Should your Excellency fail
to discover the missing note
and you kindly communicate the
fact to me I shall have the
honor of sending to your Legation
Mr. Geo N Mitchell U.S. Vice Consul
at this port who will print out
the same to your Excellency in
the place above mentioned.

Should it be found as suggested

I

I would thank your Excellency
to cancel the charge of blunder
laid at my door in your No 43.

With assurances of highest esteem

I have the honor to be Sir
Your Excellencys most humble
& obedient Servant.

C. O. Shepard
Consul

Copy

No 10

No 98. U S Consulate

Kanagawa Mar 25th 1873

Hon C. C. De Long

U. S. Minister

Sir

Referring to your No 179 I beg to hand you further correspondence with the Custom House

I have the honor to be

Sir

Your most obedient Servant

C. O. Shepard

Consul

Enclosure with no 198 Sub Enc No 1

Copies

No 1

Imperial Customs

Yokohama 23 Mar. 1883

Sir

The Pacific Mail Steam Ship Companys Ship "Kosoku Maru" is reported to me to have put to sea at 11 o'clock this morning without a clearance, her master having neglected to signify his intention of leaving the port.

I have the honor to request that you will call upon the Agent of the above Company for an explanation of this proceeding

I have the honor to be

Sir

Your most obedient Servant

Fred Lowder

C. O. Shepard Esq. For Commissioner of Customs

U. S. Consul

Yokohama

Sub En Nº 2

Copy

No 197 U.S. Consulate

Kanagawa March 25th 1863

Fred Lowder Esq

My dear Sir

I am in receipt of your letter of this date signed "For commissioner of Customs" Neither the Treaty nor the Trade Regulations speak of such an officer, hence until otherwise instructed by my Superior officer I can only recognise the Authority of the Governor and only with him can I correspond Concerning Custom House matters.

I formerly as a matter of convenience transacted business with the gentleman in charge of the Custom House and should willingly continue to do so except for an

usual

result offered my Minister within that Gentlemans knowledge. for which there has been to this day no apology offered.

I beg herewith to return your communication.

I am Sir

Your obedient Servant

C. C. Shepard

Consul.

Copy

No 11

No 111 U. S. Consulate

Kanagawa April 10th 1873

Hon

C. E. De Long

U S. Minister

Sir

Referring to my No 286 of Dec 29th 1872 also my No 13 of Jan 8th 1873 I have the honor to again ask instructions as to whether or not I shall recognise Mr. Nakashima or any one as "Commissioner of Customs" I have also to ask instructions as to the recognition of Mr. Fred Sowder as "Assistant to the Commissioner of Customs.

I beg also to ask whether the Life Insurance Policy of G. W. Burgess deceased payable to himself and dated

in

in New York should be collected by the Administrator here and applied toward the liquidation of his debts or whether it is entirely outside the jurisdiction of this Court.

I have the honor Sir

to be

Your obedient Servant

C. C. Shepard

Consul.

Copy

No 12

No 94 U S Legation Japan

April 10th 1873.

Sir

Acknowledging the receipt of your No 111 of this date I beg leave in reply to state that after the receipt by me of your no 13 of the 8th of January last with its enclosures I carefully examined the same and concluded that both Mr. Mitchell and yourself in your correspondence with the Custom House officials at this port had technically recognised them yet being strongly desirous of sustaining you in your subsequent refusal to do so longer, until this Government had endeavored fully and fairly to carry out the clauses in the Treaty and Trade Regulations

Your

ajax referred to by adopting (in co-
-operation with the Consular body)
a code of Customs regulations, I al-
-ready conferred with my colleagues
upon the subject and finding them
quite agreed with myself relative
to the necessity of urging this Govt.
to direct its Customs officials to meet
with the Consular officers at each
port and devise and adopt a system
of Rules and Regulations satisfactory
to all. I addressed this Government
a note on the 25th of last February
calling its attention to these consta
-ntly occurring misunderstandings and
requested the proper directions to be
given to its Customs officers.
This note remains unanswered
but on several occasions at personal
interviews

interviews with the Minister for
Foreign Affairs he has expressed
his entire assent to my views and
has advised me of his intention
to select some competent person and
authorize and direct him to meet
with the Consular body at this and
other ports for the express purpose
of adopting a code of Regulations
to supersede such as have been
promulgated and I have been
in daily anticipation of receiving
official notification that such
action had been taken; by this
means I hoped to be able at once
and in a general way to obtain such
reforms as you described and
also such as were described
by your Consular officers at
other

other ports; because I effected this
I delayed giving you any instructions
upon the subject and now advise
delay in taking final action until
my efforts in the directions I have
mentioned meet with some decisive
result after which time I will instruct
you fully.

I am unable to reply at all to your
request for an instruction about recognizing
Mr Fred Sowder as Assistant-Commissioner
of Customs as you have failed to furnish
me with any evidence that his appointment
has such official has been notified to
you or your recognition of him requested.

Your further inquiry relative to
the Life Insurance Policy I will
answer in a distinct note as
it is a matter entirely foreign to the

subject

subject of recognising Custom officials
and should have been written about
in a separate note by you.

In conclusion I beg to advise
you that it appears to me that
with your no 13 of the 6th of January
last you must have omitted to
furnish me with copies of all
the replies made by Mr Mitchell
and yourself to the Japanese authorities
as by what documents you did send
me it appears that a number of
the letters asking for replies remain
unanswered. Should this be true
I would thank you to complete
that record.

I am Sir
Your obedient Servant
C. O. Shepard esq.
U. S. Consul
C E Delong
Kanagawa Japan

Copy

No 13

No 22 U. S. Legation

February 25 1893.

Their Excellencies

The Ministers for Foreign Affairs

Yedo Japan

Your Excellencies

The undersigned has the honor to advise you that constant and annoying troubles have arisen and are likely to arise between the Customs officials of your Government and foreign residents and foreign officers at the various treaty ports of this Empire which seems to be caused mainly by the action of your Customs officers in promulgating Notifications and Regulations without any previous consultation relative to the same with the foreign Consuls. The undersigned respectfully

respectfully submits referring to Art 7
of the Tariff Convention and article 11
under which the trade of the Austro
Hungarian Monarchy is to be conducted
in Japan that it is the duty of your
Customs officers to invite the counsel
and co-operation of foreign Consuls
before issuing regulations governing
the landing and shipping of goods
the hiring of boats, coolies, servants
and generaly the details of such Custom
House business, wherein heretofore
no such co-operation or counsel
has been solicited and confusion
and annoyance has been the result
As the undersigned entertains
no doubt that H. E. will cordialy
concur with him in the desire
to have Customs Regulations adopted
at

at each port that shall be reasonable in their nature and receive the support of foreign officers and residents as well as your own officials and residents

The respectfully suggests to H. E the propriety of directing your Customs officials at each port to meet with the foreign Consuls and endeavor to draft and agree with them upon a code of Customs regulations and after succeeding in such effort to withdraw all existing regulations and Notifications and substitute the code agreed upon in lieu thereof.

The undersigned feels confident that such a course

on

on their part will be cordialy co-operated in by the Consuls and lead to a cessation of the numerous petty difficulties that are now constantly disturbing both foreign and native officials.

The undersigned has the honor to remain

Your obedient Servant

C. C. Denby

Copy

No 14

No 118 U.S. Consulate

Kanagawa April 14th 1873.

Hon

C. E. De Long

U.S. Minister to Japan

Sir

Replying to your no 94 of the 10th inst I have to say that in my No 286 of Dec. 21st 1872 and my No 13 and 98 of the current year I furnished you with copies of all written replies made by Mr. Mitchell or myself to the Japanese Custom Authorities.

Matters upon which correspondence has passed are not unfrequently settled verbally. To many letters particularly those notifying us of appointments replies were intentionally withheld to many other replies were not.

not necessary. I regret that I
am called upon to protest against
another unjust charge of neglect.
I refer to that portion of your
letter which reproaches me with having
failed to furnish you with any
evidence of Mr. Bowders appointment
as Assistant Commissioner of Customs
A thorough examination of the
enclosures of my no 13 of January 8th
will I think disclose a copy of
Mr. Nakashimas letter to me.
If I mistake not it is enclosure
No 31.
Finally I would repeat the
request contained in the concluding
portion of my no 30 of February
12th of which for some reasons
you have seen fit to take no notice.

I

I am Sir

Your obedient Servant

C. O. Shepard

Consul.

No 15

101 United States Legation

Yokohama April 15th 1873

Sir.

In reply to your No 118 of yesterdays date allow me to state that by referring to the Enclosures accompanying your No 13 of the 8th of January last you will observe that Mr Mitchel returned but three replies to seventeen letters which he received

That Enclosure No 8 refers to a letter written by Mr Mitchel a copy of which was not included Enclosure No 12. the same. Enclosure No 19 refers to a letter written by Mr Nakama to Mr Mitchel no copy of which was forwarded

It also appears that the Superintendent of Customs at once addressed his letters to you in lieu of Mr Mitchel immediately upon your assuming charge of your Consulate which would fairly give rise to the presumption that you

Col Shepard Esq Had

Consul Kanagawa Japan

had notified him officially of your action.

If you did so you will please forward a copy of that notification and also copies of the other documents above referred to.

Relative to the Sowden matter I beg to state that in any event it could hardly be said that a matter was called to my attention by you which was not mentioned in any dispatch of yours but only noticed in an obscure enclosure accompanying a dispatch upon another subject

Referring however to your enclosure No 31 with your No 13 of the 8th of January last I find that the Japanese authorities merely notified you that Mr Sowden had been appointed legal adviser to the imperial customs department - and that in such capacity he would assist the Superintendent of Customs: and your recognition of him as such officer was not requested

Further

Farther referring to the two Enclosures with your
No 98. of the 25th of March last I find that
Mr Lowder in addressing you subscribed
himself "Ind Lowder for Commissioner of
Customs." in no manner assuming to fill
any office such as Assistant Commissioner
of Customs. I therefore respectfully insist
that my language upon this subject in my
No 84 was warranted by the facts as they
then existed In conclusion I beg to state
that my reason for not answering the request
contained in the concluding portion of your
No 50 of February 11th was that whilst its
Enclosures did show that the document
which I supposed omitted therefrom was actualy
contained therein yet in such a manner as
was well calculated to cause it to escape
my observation and I thought it a favor to you
to drop the subject; as your No 49 in plain
violation of the Consular Regulations made no
allusion

allusion to the Enclosure in this order not
even mentioning how many documents were
Enclosed. It was not Endorsed on the back
or the number of Enclosures thereon set-forth.
The Enclosures themselves are not numbered
or Endorsed in any manner

The independent subject of your letter to the Judge
was written upon the third page of an Enclosure upon
another subject, which it might well be expected to
escape observation. In informing you that this
document had been omitted as I thought it had
my language conveyed no censure but as you have now
twice requested an explanation I give you this which
proves that whilst the document in question was Endorsed
yet your dispatch was prepared in such a manner
as to call for censure if I had been disposed to bestow
it I have the honor to remain

Sir

Your most obedient Servant

C E De Long

No 16.

Copy

No 108. U S Legation Japan

April 28th 1873

Sir

Referring to the matter of the recognition of Japanese customs officials at this Port I beg to state that in my No 119 of the 28th of December last I called upon you for full information relative to all that had been done by you or by your authority wherefore it could be claimed that they had been recognized.

In your reply to that note was your dispatch No 13 of the 8th of January enclosing copies of correspondence between Mr. Mitchell and those officers and also of correspondence conducted with them by yourself

yourself as Consul

You made no reference to any correspondence received or forwarded whilst you were in charge of this Legation

To day my attention has been called to this subject and upon a perusal of the Legation records I find that on the 8th of January last whilst you were in charge of this Legation you received a note from the Minister for Foreign affairs advising you that the business of Customs at this Port would hereafter be conducted by officers of the Finance Department and that Mr Ayeno Kagenori and Motono Motaka had been selected as such officers who would thereafter communicate with the Consul.

In your No 61 of Jan 13th you acknowledge the receipt of this note

note taking no exception to this action

The record does not show that you notified the officer in charge of the Consulate as you were requested to but I infer that you did so verbally as he corresponded with those officers after that time as shown by the enclosures with your no 13 of the 6th of January last.

Further my records show that on the 25th of April 1872 while you were in charge of this Legation you received another note from the Foreign office advising you that Mr. Muten Governor of Kanagawa had resigned the business of the Customs and that the management would hereafter be in the hands of Mr. Nakayama and Watanabe.

This note you do not seem to have replied to or to have called to the attention of Mr Mitchell, yet the enclosures above referred to show that Mr. Mitchell at once and continualy corresponded with these officers upon business of this nature and farther that you addressed Mr. Matamo as Superintendent of Customs and did business with him as such from the time you left this Legation and resumed charge of your Consulate until the time when the controversy arose between the Governor and yourself and out of which this correspondence has arisen.

Article 7 of the Tariff convention of the 25th of January 1866 which it enjoins upon the Governor of each port the duty of acting conjointly with the Consular body

in

in adopting and drafting Customs Regulations does not in terms nor as far as I can see by implication constitute him Superintendent of Customs or operate in any way to limit the right of the Japanese Government to select any person it may see proper to discharge the duties of that office subject of course to the Regulations properly adopted. Everything now looks favorable for speedy action being taken to obtain the adoption of such regulations and as it is essential to the business of our merchants at this port that official relations between your office and the customs officials should not be discontinued and as the Japanese Authorities understand by your correspondence

and

and by your recent return of Mr Lowders letter that you have terminated official relations with these Customs officials and are governing themselves accordingly you are hereby directed to continue the relations with the officers of the Customs at this port as was formerly done by Mr Mitchell and yourself until you are otherwise directed. This course is directed by me that the business of this port may not be disturbed and also to avoid annoying the Japanese authorities pending an adjustment of the whole question. You will therefore address Mr. Lowder a note informing him that you are prepared to receive and reply to his note which you returned to him as reported

by you to this Legation in your No
28 of the 20th of March last.
Such action as your part will not
in any opinion operate in any man-
ner to estop either you or I hereafter
from declining to recognize either the
present or any other officials in
charge of the Imperial Customs
at this port should the Government
fail for an unreasonable length
of time to agree through its proper
officers with the Consular body
upon a Code of Customs Regulations
nor will such action upon your
part be a recognition of Mr Souder
as aught else than an employe
of this Government; that is, as Legal
Adviser to the Commissioner of
Customs. No reply has as yet
been

been received by me to my No 103
of the 21st inst addressed to you.

I have the honor to remain

Sirr

Your most obedient Servant

C E Le Long

C. O Shepard Esq.

U.S. Consul

Kanagawa Japan

Copy

No 17

No 128 U. S. Consulate

Kanagawa April. 25th 1873

Hon

C. E. De Long

U. S. Minister.

Sir

I have since receipt of your no 108 -
referred to your no 105 and fail to find
anything whatever in it calling for
a reply but I am astonished to
discover in your no 108 exactly the
fault claimed by you to have been
committed in my No 111 - i. e. - reference
to two distinct matters in one note.

Allow me to add however -
that after a careful examination -
of the Consular Regulations I find
no instructions whatever as to forms

of

of correspondence between Consulate and Legation.

I am Sir

Your most obedient Servant

C. C. Shepard

Consul.

Consulate

No 18

No 115 Legation of the United States

Yokohama April 29th 1873

Sir

I will thank you to report to me at your earliest convenience your proceedings taken under my instructions No 108 dated the 23rd instant.

I will also thank you to refer to my instructions No 101 of the 13th instant and in compliance therewith send me the copy therein requested provided you gave the Superintendent of Customs a written notification of your having resumed your charge of the Consulate.

I have the honor to remain

Sir

Your obedient Servant

C. C. Shepard Esq. H. E. De Long

US Consul

Kanagawa

Japan

Copy

No 19

No 131 United States Consulate

Kanagawa April 29th 1873

Hon

C. E. De Long

U. S. Minister

Sir

While I have obeyed the instructions contained in your no 108 of the 23rd inst. (Enclosure No 1) I cannot refrain from expressing in a most respectful way my astonishment, chagrin, indignation and deep seated mortification at the humiliating issue of a rupture between the Commissioner of Customs and myself into which I entered at your personal request for your personal vindication and wholly and entirely to the end that an

apology

apology for a personal affront might be given you. After directing me to demand an apology and thanking me for having done so you ignore entirely the cause of the trouble and by reversing one of the steps taken to bring about the corected apology — one of the stones of the arch which if taken away will bring the whole structure to the ground — you rebuke me for obeying your orders and by thus instructing me to resume relations (which as you know I declined to do until an apology had been made) you sustain and countenance the Commissioner in doing just the thing of which you complained so loudly. Enclosure No 2 herewith shows but too plainly the advantage given him over me and instead

of

being the one at fault he is by you put in a position to claim the rights of an injured individual. In short he not only insults the humster of the United States with impunity but seems to be rewarded for so doing. The matter of recognising or not recognising the Commissioner of Customs was as you know a minor consideration a technicality only taken advantage of for your personal benefit.

It is an anamoly which I can only reconcile by the unpleasant apprehension that this step has been taken for the purpose of making me a laughing stock among the Japanese officials. Certainly such will be the effect. Had a satisfactory explanation been made you and I informed of

the

the same the case would be entirely different. I would respectfully ask if an apology has been made for if not I blush to know that a most humiliating discrimination has been made as against the American Minister

The reason given me upon no 10 & for the instruction therein contained is that the business of the Port may not be disturbed nor the Japanese Authorities annoyed &c. Considering that the present State of things has continued for five months without intermission of business and also considering that the Japanese officer with whom you direct me to correspond. unprecedently justified himself for annoying upon I submit that these reasons

reasons should have little weight.

As you Sir was my Minister I acted as it was I obeyed your instructions, but I see my mistake in espousing a personal matter at your verbal request. I recognise my blunder in failing to preserve the private note in which you thanked me for what I had done and while I deserve this punishment for having been led into this awkward position I fully believe that upon explanation to the Department of State and Japanese officials a full support will be given me.

Landing another portion of your No 108. Stating in your No 129 of Dec 28th asked for me looked toward the forwarding of correspondence

correspondence other than which had—"
"passed between the authorities of this
port" and this Consulate I enclosed all
that was asked for and as a matter
of course I made no reference to
any correspondence received or forwarded
whilst I was in charge of the Legation
as I did not- then correspond with
the "Authorities of this port."

The Legation records being in your
possession could I possibly be expected
to forward copies or refer to documents
on its files. My no 61 of Jan 13-
did not recognise Mr. Wagner only
acknowledged the receipt of the
dispatch appointing him in fact
I intentionaly avoided formaly
recognising "a" Commissioner of Customs
as did also Mr Mitchell entertaining

as

as we did doubts as to the legality

of such an appointment.

I am Sir

Your obedient Servant.

C. C. Shepard

Consul.

Copy

Sub-En No 1

No 129 U.S. Consulate

Kanagawa April. 25th 1873

Takashima Nobuyuki Esq.

Supt. of Customs

Sir

I am in receipt of an instruction from C.E. De Long. U.S. Minister to the effect that until otherwise directed and in order that the business of the port may not be disturbed

I am authorized to recognise and correspond with you as Commissioner of Customs. I shall therefore be pleased to communicate with you at any time and if you desire I stand ready to receive and reply to the letter addressed to me some time since by Mr Lowder

which

which it was my duty to return.

I am Sir

Your obedient Servant.

C. C. Shepard

Consul

Copy of Translation Sat En No 2

Imperial Customs

Yokohama 28th April 1893

Sir

I have received and thoroughly comprehend your letter of the 23rd instant in which you inform me that you are authorized by Mr. C E. De Long U. S Envoy Extraordinary in order that the business of the port may not be disturbed to recognise me as Commissioner of Customs and if I desire it you will reply to the letter which it was Mr. Sowders duty to address to you some time ago and which you then returned. I should inform you however that I have already reported to

to my Goviment the fact of your having on December last informed Mr Oye Taku the Gon Kenrei of Kanagawa that the Commissioner of Customs must be looked upon as a subordinate officer of the Kenrei and that you should therefore transact Custom House business with the latter: and also the fact of your having returned Mr Lowder letter; and that being as yet without instructions I am personally unable to form a decision upon the subject of your present communication.

I am Sir

Your obedient Servant:

Nakashima Nobuyuki

Commissioner of Customs

C A Shepard Esq

H B Consul

Yokohama

Reg'y

No 20

No 132 U S Consulate

Kanagawa April 30th 1873

Hon

C. E. DeLong

U S Minister

Sir

Referring to your No 101

I find that the necessity of an

answer to the same was contingent

upon certain letters having been

written Mr. Makayama but as those

letters were not written.

I did not deem an answer

required. Perhaps however a

few explanations may throw

light upon the matter.

As suggested in a previous dispatch,

may in fact when possible.

all

all matters are settled by personal interview which would account for the lack of replies to many letters. Many matters are inaugurated by private notes which may afterwards be referred to as official

This no doubt was the case with notes to which nos 8 & 12 were the answers.

The letters of Mr. Mitchell referred to in Enclosure No 19 cannot be found.

I did not by letter notify the Commissioner of Customs of re-assuming charge of my Consulate.

The Department did not consider that I ever relinquished charge

I would my conclusion again

state

state that all correspondence with the Custom House on file was forwarded as directed.

I am Sir

Your obedient Servant

C. C. Shepeard.

Consul

No 21

Memorandum. Tuesday 187

From. Election Day.

To My Dear Mr De Long

The more I think of it the more I fear that just at this juncture Hale would use the fact of that letter being omitted against me making a mountain out of absolutely nothing and I pray you to find some way to perform your duty & still avoid giving him that fact. It was on file to all intents and purposes and is now actually at the time you write the letter. It was a clerical error and there is room to copy it in now and it seems to me that you could honestly and honorably say "the correspondence is on file." I can look at it in that way and I hope that by allowing me to complete the record you can conscientiously omit my wishes and prevent the drunken S— of a b—

Yours

from casting a shadow upon my official
name as it might be use just at this time
as a proof of unfaithfulness

Yours

Stuff.

Copy

No 1

W

U. S. Legation Japan

May 1st 1873

To

The Minister for Foreign Affairs

Yedo Japan

Sir

If agreeable please allow the C. M. S. S. "Relief" to proceed to Shimoseki to discharge a cargo of Ice consigned to her Gardner.

I have the honor to be

Sir

Your obedient Servant

E. L. Perry

Secy U. S. Legation

Rec'd June 13 Ask

Mr. Bardow

Legation of the United States

No 394

to Japan

Yokohama May 8th 1873.

From

Chas C. Duncan

United States Minister



Contents.

Destruction of the Imperial Palace by fire. Political condition of the Empire.

Legation of the United States

No. 394 in Japan

Yokohama May 8. 1873.

Sir,

A few days since, Saburo Shimadzu Saburo chief of the Satsuma Clan arrived in Yedo. with a large body of retainers, dressed and armed in the ancient style.

This circumstance created considerable excitement from the fact of this man's well known opposition to foreign intercourse and as it had been a

known

Hamilton Fish

Secretary of State

Washington D.C

common prediction amongst Japanese, that upon his arrival, old Japanese customs would be restored. Grave rumors — affecting the peace of the country such as, that the Mikado had called for the French and English troops at Yokohama to protect him against his own body guard, were daily exciting the foreign residents.

— I have left nothing undone to obtain information of the most reliable nature relative to the exact condition of affairs.

— From the acting Minister for Foreign affairs, who is himself a Satsuma man, I have learned at repeated interviews, that no trouble existed, and none was

was threatened. and also that Saburo. was already avowing a change of his own opinions, brought about by the evidences of advancement which were to be seen in Yedo.

Just before daylight on the morning of the 3rd, the city of Yedo was roused by the firing of cannon, and it was instantly discerned that the Palace was in flames.

The immediate enclosure of everybody, was, that a revolution had been inaugurated and foreign residents made hasty preparations against attack.

In the morning however, it was ascertained that the fire was purely accidental, no

no casualties having occurred,
and perfect order maintained.

In conversation yesterday, the
Minister informed me, that
the loss of archives had been
very great. - how great was
yet unknown. That many
valuable historical works, in
manuscript had been destroyed
- of which they possessed no
duplicates. That the property
destroyed, had in its construction
originally cost about one
and one half million of dollars,
at present prices of labor and
so forth, equal to three
millions. and also advised
me that steps were being
taken to commence the

construction of a new Palace
and State House. in foreign
style of architecture.

I have the honor to remain

Sir;

Your most obedient Servant

C. E. De Long

U.S. Legation Japan

C. E. Dudley
Minister

No 394.

Date May 8. 1873.

Contents

Burning of the Mikado's Palace in Yedo. and Political condition of the Empire.

Apl
June 13 Ackd

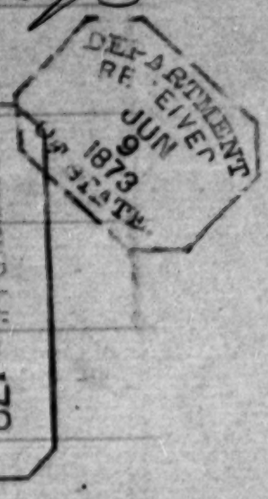
Mr. Braun

Copied

Legation of the United States

No 395 in Japan

Yokohama May 8th 1873



From

Charles E. DeLong

United States Minister

Contents

Received June instructions No 175, 182 and 187. Report of my proceedings thereon.

Legation of the United States

No 395 in Japan

Yokohama May 8. 1873

Sir,

I have the hon to acknowledge the receipt of your instructions No 175 of the 26th of February. 182 of the 10th of March and 187 of the 21st of March last. relative to the — Japanese-Peruvian matter.

I read your No 187 to the Peruvian Minister who expressed his entire satisfaction therewith. I then waited upon the Japanese Minister

Hon ble and

Hamilton Fish

Secretary of State

Washington D.C.

and did the same.

He requested a copy. which I declined to give, on the ground that I had no instructions to do so. but I allowed him to make copious notes

He expressed himself as deeply grateful for the kind assurances contained in your instruction.

He complimented me upon my action in having anticipated your wishes, by pursuing the course which I has already done. and remarked that he should call upon me freely in future as he had done in the past if any assistance was required.

To reply having been obtained from the Soyeshima, the Intimation

situation remains unchanged, and as it was, at the date of my No. 981 on this subject; I have strong reasons for believing that the British Legation here is lending its active assistance to the Japanese Government in the preparation of its reply to the Peruvian case.

This is the opinion of the Peruvian Minister, who apprehends that, if an amicable adjustment is prevented, it will be attributable to this cause.

The Peruvian Minister has privately settled with Messrs Walsh Hall & Co their demand for monies expended under my direction, in taking charge of the Bayue, and sending the

the crew to Amy King.

By his request, I have allowed the Barque to continue nominally in my possession, as he feared that an acceptance of it by himself might operate as an estoppel or be used as a waiver on his part of the claim for an illegal seizure.

Deeply grateful for the approval contained in your letter of 1862, I beg to assure you, that, I shall labor to merit a continuance of your good opinion, and that in all I have done or shall hereafter do, I shall not fail to vigorously oppose any effort on the part of any man or Nation, to establish or carry

on a coolie traffic.

I have the honor to remain

Sirs

Your most obedient Servant

C. E. De Long

U.S. Legation Japan

C. E. Dudley
Minister

No 395
Dated May 8. 1873

Contents

Receipt of
instructions Nos 175-
182 & 187. Report
of my proceedings
thereon

Mr Hayward Act'g Mr Bedaux & Mr Haywood

Legation of the United States

No 396 in Japan

Yokohama May 9. 1873.



From

C. E. DeLong

U.S. Minister

Contents.

About contingent expenses.

Legation of the United States

No. 396 in Japan

Yokohama May 9. 1873.

Sir

Acknowledging the receipt of your instruction No 184. relative to bill of Stationary, I beg to say, that I have already forwarded the voucher with my No 348.

With your kind permission, I will wait your reply to that despatch, before drawing upon you for this outlay.

Hoping Honorable Hamilton Fish Secretary of State Washington D.C.

to receive such instructions as will enable me to know what to do, with that account, and also with the current expenses of this Legation for the present quarter,

I have the honor to remain

Sir,

Your most obedient Servant

C C De Long

Lieutenant Jerome
Commanding U.S.S. Rodney
Asiatic Station

No 296.

Dated Hong Kong, May 9, 1873

Enclosure

Abstract of expenditures

Ent Ord Jun 10

Ack

Mr. Bingham

No 397

Legation of the United States

in Japan

Yokohama May 9. 1873.



From

C. E. De Long

U.S. Minister

Enclosure

Return of Native Christians to

their homes.

Legation of the United States

No 897 in Japan

Yokohama May 9. 1873

Sir

I have been furnished complete details from the Bishop of this diocese, concerning the return of the native christians from banishment, and hoped to have been able to send the same by this mail, but in this I am disappointed.

I also expected reports from our Consuls at Kobe and Nagasaki

Honble

Hamilton Fish

Secretary of State

Washington D.C.

on the subject but have received nothing but a telegram from Consul Sutton, simply stating "Exiles returned".

I enclose a slip cut from a Kobe newspaper containing a statement with regard to this subject. (Enclosure No 1) 1/

I have the honor to remain

Sir

Your most obedient Servant

O E De Long

Lieut Jr Grade USN

Encl. 1 Newspaper slip containing

[illegible] of native Christians

On the 22nd, our attention was drawn towards a crowd of natives—evidently by their appearance strangers to Kobe—entering the portals of the Roman Catholic Chapel. Upon enquiry it was found that these people, about fifty in number, were native Christians that have been confined for some time past in prison at Kanga. A few days ago there was a general clearing out of the Native Christians in that place—all those that had been kept in confinement being informed by the Authorities that they were at liberty to return to their homes; most of these people happened to belong to Nagasaki, and they were ruthlessly driven out of Kanga immediately after their liberation, and told to return to their own provinces, without money, food, clothes or any of the necessaries requisite for undertaking such a journey. Therefore these people, men, women and children, having heard of the benevolence of the Roman Catholic Priests, determined upon paying a visit to Kobe to seek assistance from those whose mission it is to make converts to their religion and also act the part of the good Samaritan. We are given to understand that some time since a number of Native Roman Catholics were set free at Owari; but the Authorities in that instance provided for their return by furnishing them with boats and other necessaries for their journey; but in this case no such kindness was shewn, and the poor unfortunates arrived here weary and foot sore, some of the aged women having died upon the road from hunger and fatigue. The Fathers made application to the Local Authorities for assistance in behalf of these poor people, but they were flatly refused assistance in any shape whatever; after which application was made to H.B.M.'s Consul whose sympathies it was thought would be awakened in their cause, but the result of these appeals has not yet transpired; we however hope that something may be done for their relief.

Since writing the above we learn that H. B. M.'s Consul not being able to render any assistance in the matter, the Local Authorities have effered to provide boats to the next Ken, and so pass them on from Ken to Ken until they reach their homes.—*Herald.*

C. C. De Long
Immaker

No 397

Dated Lucy 9/73

Contents
Returns of Native
Christians to their
homes.

No 398

U. S. Legation, Japan.

Yokohama, May 14, 1873.

Mr. DeLong

to the

Hon. Secretary of State.

Subject.

Reports (of exportation of Tea) by Consuls Turner and Fisher.

Enclosures.

1. Report of Daniel Turner.
2. Report of C. L. Fisher.

No 398.

U. S. Legation, Japan,
Yokohama, May 19th 1873.

Sir:

I have the honor to forward to you herewith report made to me by U. S. Consul Turner of Prices of Tea at Hiogo, (Enclosure No 1.)

Also similar report made to me by Acting Consul Fisher of Nagasaki relative to the prices of Tea at that port, (Enclosure No 2.)

I have the honor to remain,
Sir,
Your most ob't. servant
C. E. DeLong.

Hon. Hamilton Fish,
Secretary of State,
Washington, D.C.

No 398.

Enclosure 1.

Copy.

Quotations of Prices of Teas at Chicago, Ill. Dec. 1, 1871. Extract from Circular dated Dec. 1, 1871. to April 1, 1872.

Grade.	187 Dec.	187 Jan.	187 Feb.	187 Mar.	187 April	187	187 June	187 July	187 Aug.	187 Sept.	187 Oct.	187 Nov.	187 Dec.	187 Jan.	187 Feb.	187 Mar.	187 April
Common	11 to 16	12@17	11 to 17	11 to 17	11 to 17	Nominal	Nominal	Nominal	16 to 20	16 to 20	Nominal	Nominal	20 to 24	Nominal	17 to 22	15 to 20	15 to 20
Good Common	17 to 21	18 to 23	18 to 23	18 to 23	18 to 23	"	"	23 to 25	23 to 26	21 to 25	23 to 26	24 to 28	25 to 28	24 to 29	24 to 28	23 to 26	22 to 26
Med. "	23 to 26	25 to 29	26 to 29	26 to 29	26 to 29	"	"	26 to 31	28 to 32	26 to 30	28 to 31	29 to 34	29 to 32	29 to 32	31 to 35	30	30
Good Medium	28 to 32	30, 33	31, 34	31, 34	31, 34	"	35, 38	32, 35	33, 37	31, 35	33, 36	35, 39	33, 38	33, 38	37, 39	Nominal	Nominal
Fine	34, 40	35, 42	35, 43	35, 42	35, 42	"	39, 44	38, 43	38, 43	36, 40	38, 42	40, 44	39, 44	39, 44	Nom.	Nom	Nom
Finest	42, 49	43, 50	44, 50	43, 46	43, 46	43, 46	45, 50	44, 48	44, 48	42, 46	43, 48	45, 50	45, 49	45, 49	Nom	Nom	Nom
Choice	50, 55	50, 57	Nom.	Nom	Nom	Nom.	51, 55	49, 52	49, 52	48, 53	50, 55	52	50, 55	50	"	"	"
Choicest	56	58	"	"	"	"	56, 65	53, 63	53	54	56	Nom.	56, 65	Nom.	"	"	"

Quotations, as in "Common for December 1st, 1871, are intended to read $11 to $16 per pound.

No 398.

Enclosure 2.

Copy.

Report of C. L. Fisher, Acting U. S. Consul at Nagasaki, upon the prices current of Tea at that port from December 1st 1871. to May 1st 1873 — "As reported by "four different European Tea "Merchants."

The prices within are expressed in Mexican dollars per picul of one hundred and thirty three pounds of native leaf, as purchased from the grower and manufacturer.

(Dated.) Nagasaki, May 1st, 1873.

(Sgd.) Charles L. Fisher,

Acting U. S. Consul.

Dealer "A" reports:	1871 Dec per pecul	1872 Jan	1872 Feb	1872 Mar	1872 April	1872 May
Common (or Bancha)	$3.50 to 7	3.50, 7	3.50, 7	4 to 8	4, 8	4.25 to 8
Good Common (Higo leaf)	13	13	13	13.50	13, 13.50	13.50 to [illegible]
Medium	17	17	17	$17.25	17.25	17.50
Good Medium	20	20	20	21	21, 22	21, 22
Fine.	25, 27	25, 26.75	24, 28	24, 28	25, 29	25, 29
Dealer "B" reports						
Good Common						
to Fine	11 to 19.50	10 to 24	19 to 28.50	14 to 24	11 to 20	14 to 21
Dealer "C" reports						
Chikugo Tea	15 to 25		12 to 22	12 to 22	13.50 to 23	13.50 to 23
Dealer "D" reports						
Common to Good Common	5 to 9	5 to 9	5 to 9	5 to 8	5 to 7	5 to 7
Medium	10 to 12	10 to 12	10 to 12	10 to 11	8.50 to 11	8.50 to 11
Good Medium	12 to 16	13 to 16	13 to 16	12 to 24	11.50 to 13	11.50 to 13
Fine	17 to 18	17 to 20	17 to 20	16 to 20	14 to 19	14 to 19
Finest.	19 to 20	21 to 22	21 to 22	21 to 26	20 to 23	20 to 23

1872 June	1872 July	1872 Aug.	1872 Sept.	1872 Oct.	1872 Nov.	1872 Dec.	1873 Jan.	1873 Feb	1873 Mar.	1873 April
5 to 8	6 to 8	6 to 8.50	6 to 8.50	6 to 8	5.75 to 8	3 to 7				
14	14	15	15	14	14.25	14				
18	18	18	17.50	17	17	17				
22.50	22.50	21.75	23	23	22	22				
25 to 30	26 to 32	25 to 32	24 to 32	14 to 30	25 to 29	25 to 29				
12 to 33	14 to 30.50	13 to 24.50	18 to 26	17 to 30	11.50 to 29	10 to 25.50	13 to 29	14 to 20	14 to 24	16 to 22.50
11 to 24	16 to 26.50	15 to 25	18 to 25	18 to 25						
5 to 7	5 to 7	5 to 7	7 to 10	10 to 12	10 to 14	9 to 12	9 to 12	7 to 10	6 to 10	6 to 10
8.50 to 11	12 to 14	11 to 15	13 to 17	15 to 17	13 to 15	13 to 17	11 to 13	11 to 14	11 to 14	11 to 14
11.50 to 13	11 to 18	15 to 20	16 to 19	18 to 22	18 to 22	16 to 19	18 to 22	16 to 20	15 to 18	15 to 18
15 to 20	19 to 22	21 to 26	20 to 25	23 to 27	23 to 27	20 to 25	23 to 27	21 to 26	19 to 23	19 to 23
21 to 27	23 to 27	27 to 32	26 to 30	28 to 30	28 Nom.		28 to 32	27 to 30	24 to 28	24 to 28

Ack Jun 23 Ackt

W. Berdan

W. Legation Japan

May 19 1873

No 399

Sam

C. E. DeLong

Minister

Contents.



Political reforms being put in force.

Letter of the Minister of Finance to the Government explaining the financial condition of the Government.

Editorial Comment thereon

No 399 Legation Yokohama

Japan May 19th 1873

Sir

I have the honor to advise you that in the progress of reform in organization which is being made by the Government Mssrs Inoya Kawora, Minister of Finance and Mr Shibusawa Seiichi first Vice Minister thereof have been called upon to resign and having done so have addressed printed a communication to the Government which throws a flood of light upon the questions of the annual receipts and expenditures, the indebtedness of the Government &c. (Enclosure No 1) 1/399

With this I also enclose another communication in the form of a newspaper Editorial

Hon Hamilton Fish

Secretary of State

Washington DC

2/398 of instant - (Enclosure No 2)

This Exhibit is very disappointing and entirely at variance with the opinion prevailing privately in diplomatic circles here relative to the financial condition of the country.

The reforms sought to be inaugurated by this government are to make the Supreme Councillors Chiefs of the various Departments and thus abolish a species of independence heretofore existing between the Departments and the Supreme Council

Mr Okuma one of the Emperor's privy Councellors has assumed charge of the Finance Department.

I am Sir

Your obedient Servant

E E De Long

List of Enclosures

No 1. Letter of Ministers of Finance to Japanese Government.

No 2. Newspaper editorial

THE

Japan Gazette.

YOKOHAMA, JAPAN, MAY 18TH, 1873.

THE FOLLOWING is a translation from the *Nishin Shinjishi* of the letter sent in by Inonyé Runda and Shibosawa, the Ministers of Finance, on resigning their offices in Okurasho:

The progress of a nation naturally arises from the nature of its people; but its rate is only accelerated and success attained by proper administration of its government. Though it is not as yet ten years since the great change in the Government of Japan began, yet all the population of the empire have inclined themselves towards civilization, At home, the holy line of monarchs, which had been neglected for hundreds of years, is flourishing, and we are adopting the best constitutional form of government modified from those existing in five large continents. Setting aside the former feudal system we have adopted the *Gun Ken* (monarchical form of government). Abolishing ancestral rank, we select men for their abilities. In the constitution we accept the provisions of International law, and the best arguments thereon. In Literature, we have large schools inviting the ignorant to receive instruction: and as to the army, we have six large military divisions to repress the turbulent people or chastise enemies. By the power of steam, we bring distant places near; and the telegraph annihilates time and distance by land and sea. We acknowledge the advantages of commerce, and make every effort to encourage it. In larger enterprises we have lighthouses, railways, gasworks; and in smaller ones—streets, roads, houses, cottages, clothing, furniture and innumerable other things we are improving every day. Our progress surpasses the speed of the race-horse. If it continues in this way, we will be rewarded with enlightened success in a few years, and we shall not be ashamed to compare our Empire with Europe, America, or any other country. We know well that all patriots are very glad of this; but we have one regret in connection with it. Still, as our sorrow contains the seeds of gladness, if we desire the latter we must ponder over the former; and by proper management, Japan may obtain the fullest blessings of civilization.

There are two kinds of civilization. One is simply to improve the government, the other to improve the people. It is easy to progress in form, but difficult to do so in reality. Now, in most countries of Europe and America, real knowledge and learning are attained, and they would be ashamed to allow their expenditure to exceed their income. But we, on the contrary, spend beyond our power. For instance, a Samourai confines his expenses for living within his salary, but is still ignorant of both civil and military arts. Farmers understand how to live upon the earnings of their fields, but are ignorant of the best methods of cultivation. The mechanic can calculate the expenses of a building, but is ignorant of the appliances of labour-saving machinery. Merchants know how to take every small advantage in their dealings; but they don't understand how to enter upon the larger operations of commerce and finance. These are they who are unable to live upon their own power; and though there are among them many who have the credit of some knowledge, they are in fact very imperfect. Many cunning ones take every means to deceive, and thereby eventually lose their possessions, and ruin their family name. These things are ever on our minds; and our experience, which extends beyond the city of Yedo, and is also formed upon observations made abroad, we are sure exceeds that of olden times. Returning to our own country we were surprised to find how greatly our knowledge had increased [compared to that of those who had been their equals before they left. —*Translator.*] And yet, we could not explain to ourselves in what. Standing and sitting, we grieved over this. For, if even we were unable to discover in what knowledge we had surprised, how much less should those advance at all who live at the Jar corners of the Empire? Accordingly our present improvement in civilization is only as regards the form of our government, and has not yet extended to the population. Those who are in authority now never despise the enlightenment of European countries, but study their social and physical condition from translated works and see it pictured in photographs. Even those officers who have not travelled wish to improve the Empire to the state of European nations, but much more do they who have been or are now abroad. In returning from civilized lands they will extol the land where they have been. Some prefer England, and another France, and so on. But praising their superior state alone they will never disseminate the good ideas which alone are potent to promote the welfare of the Empire. If we only regard the outward form of government, the minds of our people will become contrary to the existing government, and so though we progress towards a superior state of civilization, yet it may momentarily be broken, and it will not be in the power of any good man to re-erect the Empire. This causes some other officers to rejoice; but is what we regret. Of course everything in the world may be accomplished but steps towards it, should be prudently pursued. And care must be taken not to let the people's mind be opposed to the government or its plans by hasty and ill-considered measures, but judiciously and moderate changes ought to be effected. In the beginning of the new form of government people's minds were excited, but now that tranquillity has been restored, all want to make the Empire quickly become enlightened. This arises from patriotism, but they are too impatient. For an example it is just like a case of a clever doctor. He administers certain medicine to a sick man in an early stage of disease, but after he has dispersed all his disease, he gives him a quite different kind of medicine, which restores him to health. Now in considering this matter, the administration of the people is just the same as the medical attendance of a physician. The people's minds were diseased from their excited condition; and it is now time to give medical attendance to make them healthy. We are therefore following the steps, but should not be impatient. Now the policy of the government is extremely impatient, and every one who has an accomplishment is desiring to take a seat in the government. However, the government cannot dis-

miss the people who have served it from the beginning, so there are many officers whom government has to provide for, and there are few officers whom government can abolish and thus the departments are filled with an extreme number of officers. If there are many officers, of course they will need to provide a new system of management to assimilate this empire's national service quickly to that of Europe. If they increase the number of departments, the expenses will also increase.

All authorities in In, Sho, Shi, Riyo, Fu and Ken, desire to make themselves famous by deeds. If any officer makes a good suggestion he is sure to be promoted, and expense grows daily and monthly. How can the government supply all these expenses? Of course they will be obliged to raise funds by a tax upon the population. There are many necessities of the administration, but the principal one at the present is money. If there is want of money the necessary supplies can not be maintained. Then everything will be obliged to lag behind. To avoid this government will perhaps impose a heavy tax upon the people, scolding them. The miserable people who can but barely rest themselves will be sure to lose their means. This is what people are in anxiety about in olden or present times, and this is what government must shun. Now if we reckon up the revenue of the whole empire, it is about four thousand man; and the expenses this year will be sure to be five thousand man. Thus, comparing expenditure with the revenue, it is a thousand man in excess; moreover, everything being rushed on since the erection of the new government, each year government has been obliged to increase a thousand dollars of internal debt, and including all other liabilities on paper money and foreign loans, the national indebtedness amounts to one hundred and two thousand man. Therefore if we account all departmental debts in the empire, it is one hundred and four thousand man ($104,000,000). Although the debt is so wonderfully great, the government never attempts to pay off all this debt, but only want to introduce foreign customs. And we are sure that finally the government will lose the people's credit, so that there will not be any means to maintain the population of the empire, and to set at ease the inhabitants' minds. Some people have a foolish opinion, that dwellers on barren soils are industrious, and that on the contrary the people in fertile districts are neglectful. Accordingly, the people on barren ground are rich from the above reason; but another people who are on fertile land are poor from the same reason. So the government must impose heavier taxes upon the people, like Europe and America. How foolish the idea is! The idea of taking heavy taxes from the people, like foreign nations, is very harmful. How people misunderstand the meaning of the above saying. Now let me explain this great mistake. In Europe all people have a high degree of civilization, and they live upon their power, therefore it is right to take heavy taxes from everything. On the contrary, Japanese are nearly all ignorant, and all maintain themselves upon their hereditary means, which their forefathers bequeathed, and they have always trusted in their government for long years. If the government orders them to become a body of slaves, they will obey, whether the order is cruel or good; because they do not know it is a wrong command, and they believe it a proper order for a government to issue. However, In Europe and America the people would never obey a government if its command is wrong. It is very foolish to compare so different people with us ignorant Japanese. Yes; it is right to have a similar administration to that of foreign governments when Japanese become civilized as they are. Now the government have increased the taxes and imposed others which people never knew before. Taxes upon the food, the occupation of lands, the expenses of complaint to Shihosho, the penalty of Kenpiishi (police department), the taxes on goods, oxen, horses, male and female servants, the taxes on individuals, and so on. When the government imposed these taxes all the people were astonished and thought it as a vision, and now scarcely know with what to live. When they cannot obtain rice with the business of husbandmen, they take to shop-keeping. When that business is dull, they sink into mechanics, and finally lose all their means. The condition of the nation is quite enlightened, but the real condition of its people is poor or barbarous. Government will go forward; but the people will relapse into former barbarism. How far the people are distant from the government! Though the governis admirable, yet people are dirty! Some people may say "It is good; it is enlightened!" but this kind of gladness does not cause the poor to rejoice. Everything has limitation, and if this venture be made without thinking of its end, it will soon broken. Japanese are far inferior to Europeans, and it is not time yet to change the present management, and this is what is individually known well.

At present, it is absolutely necessary to regulate the outgoings and economise the revenue, and this is what every country in Europe does. The government therefore now should stop the works of any extensive undertaking and should diminish the expenses, and never let the In, Sho, Shi, Riyo, Fu and Ken, surpass their expenses beyond the limits which the government law settled. Abolishing useless expences, they should pay off all their paper currency debt and foreign loan. If this opinion is adopted, the chief officer in every department of the government should assemble and strictly settle the disbursements and should spend but little money in every department of the empire, then the people will get their object of good and chief government, and become civilized together with the government; they will learn to be industrious and become rich. On the contrary if the present course of the government is pursued, at any moment national financial collapse may suddenly happen. At present Japan seems to go forward, but internally, everything lag behind. The civilization of the present does not gladden the hearts of the people. We are long engaged in the financial matters and clearly foresee future calamity. This great mistake will arise from the mismanagement of the government, but would never happen naturally. It would be very disloyal for us not to give this opinion. However, though we may receive the name of foolish, yet we do not like to be termed disloyal. Therefore we have requested the government to release us from our duties. However, we could not be silent to warn our countrymen, so we will lay our foolish advice at the feet of the honourable Lords of the government, and await our punishment for each of our insolent words.

INUYE KAWORA,
SHIBUSAWA SEIICHI.

7th May, 1873.

The Japan Daily Herald.

SATURDAY, 17TH MAY, 1873.

ACCORDING to the manifesto of INOYE BUNDA and SHIBOSAWA, ex Ministers of Finance, which has been published in the Japanese newspapers, giving their reasons for their recent relinquishment of office, the finances of Japan are in a very bad way, since they assert that the Government is spending twenty-five per cent. more than it receives. The income is given at 40,000,000 rios, and the expenditure at 50,000,000 rios. They state further that the aggregate public debt amounts to the startling sum of 1,040,000,000 rios! These figures seem incredible, and are calculated to have a very depressing effect upon Japanese credit abroad, as well as at home; but in this there surely must be some mistake. The ex-Ministers, amidst a good deal of verbiage, assert that the so-called civilisation of Japan is more in form than in reality, and that the Government is altogether in advance of the mass of the people; that it spends beyond its power; that the national expenses have enormously increased; that they are still increasing, but ought to be diminished; that the people are not in accord with the advanced ideas of their rulers; that hasty and ill-considered measures are adopted, and that the desire to progress rapidly is characterised by a feverish impatience indicative of unsoundness, and arising from attempting too much with inadequate means, and in too short a space of time; that the departments are constantly increasing their expenses; that too many officers are employed, and they are too rapidly promoted; that the people are already very heavily taxed, and yet additional taxes are constantly being invented and imposed, beyond their ability to bear them. That the Government's sole desire appears to be to introduce foreign customs, and that it never attempts to pay off or reduce its debts; that the Japanese people are slavish, and will obey any order of the Government, whether such order be good or bad, and that they are becoming impoverished, and can with difficulty obtain a livelihood; that the Government must economise, and restrain the excessive expenditures of the departments, and should stop all extensive undertakings, and enter on no new ones; but that it should pay off the paper currency and foreign loans, and that if the present suicidal policy continues to be pursued, that at any moment a national financial collapse may happen. Such, in brief, is a summary of the opinions of the ex-Ministers of Finance. Their views are gloomy enough, and if only partly true, augur a troublous financial future for their native country. That they should have been permitted to be published in the native Press, over which the Government exercise a certain degree of censorship, is remarkable. The Government can have little idea how much the statements, coming from so authoritative, and it must be presumed to be, a well-informed source, can injure it, not alone amongst its own people, but abroad. The figures given contradict those that have been officially put forward; they are either grossly exaggerated, or, if not, convict the Government of permitting statements to go forth which are false. Altogether, this joint production of the ex-Ministers of Finance is a very damaging document; it is a political manifesto, the effect of which must impair the estimation in which the Government they have quitted, is held, unless it can be effectually answered, and its statements proved to be erroneous. We should be curious to know if any inspired penman answers it, and what he can say as the apologist of the administration. Some of the Ministers' assertions are unquestionably correct, but their figures go beyond what has ever been imagined of the actual condition of the finances of the Empire, and of the vacuity of its treasury.

H. B. M. Legation Yokohama

No 399.

Dated May 19th 1873

Two Enclosures

Ex Finance Ministers
Expose of the financial
affairs of Japan &c

ask file

Legation Japan

May 21st 1873

No. 400



M Burlingame

From

C. E. De Long

Minister

Contents.

Notifying my approval of an application for leave of absence by Consul Shepard.

No 400 Legation Japan

May 21st 1873

Sir

I have the honor to advise you that Lieut L O Shepard having applied to me for an approval of an application for leave of absence I have endorsed my approval thereon.

I have taken this action that it might not seem that I was endeavoring to make use of my power oppressively at the same time I beg to express to you my hope that such leave may only be granted after an investigation into the matter I have charged him with is made.

I am Sir

Your obedt Servt

C E De Long

Hon

Hamilton Fish

Secretary of State

Washington DC

[illegible]

C. E. Delong
Minister

No 400
dated May 21. 1843,

Answered

Returning my approval
of Emmet Shepard's
application for
leave of absence

Mr Low enters a Dispatch at this subject date

Ask[a]

Legation Japan
May 21st 1873.

No 401

Wm Burdan



Esqr

&c &c &c

Long

Minister

Contents.

Progress of Japanese Embassy in China. Reports of treatment upon Chinese Navy and Chinese Army discredited).

Tientsin.

The Japanese-Chinese ratified Treaty was exchanged at the Shanse Guildhall—a fine large building, situated in the northern suburb of this city—on the forenoon of the 30th April, His Excellency Tanésmi Soyéshima, the ambassador, and all his suite, together with several naval officers belonging to the Japanese ironclad *Rio-jo-kan*, on the part of the Japanese Government, and His Excellency Le Hungchang, the Viceroy of Chihli and Superintendent for Foreign Affairs at the Northern Ports, and all the local territorial authorities and other Chinese high local officials, on the part of the Chinese Government, being present. After the treaty was exchanged, a breakfast was given in the same building to the Ambassador and all the Japanese officials, by the Viceroy—an entertainment which, the Chinese people of this place affirm, surpassed in magnificence all other entertainments of a similar kind that had ever been previously given in Tientsin. Seeing that the Japanese had adopted the European costume and fashions, the breakfast given by the Viceroy was in the *dejeuner à la fourchette* fashion—knives, forks, foreign plates and dishes being used, and foreign wines drunk. Hence, I imagine, arose the seeming splendour of an entertainment in the eyes of the natives. The Japanese Ambassador and suite, I am given to understand, will start on the 5th instant in barges for the metropolis. Two or three of the suite have started to-day, to make the necessary preparations at Pekin for His Excellency's arrival.

Our Tientsin correspondent mentions that His Excellency Tanomi Soyeshima, the Japanese Ambassador, arrived there on the 20th April. On the 24th the Ambassador, accompanied by his suite, called on His Excellency Li Hungchang, the Viceroy; and on the following day the Viceroy, accompanied by the Commissioner of Finances, Pwang-ting-sin, the territorial Taoutai Ting, the Customs Taoutai Chin, and two mandarins of less rank, called on the Ambassador. It is supposed the ratified treaty will now be at once exchanged by the deputies of the Ambassador and the Viceroy, namely, by the Secretary of the Embassy, Yanagiwara Guaimu Daigo, and the Commissioner of Finances, Pwan-ting-sin, and any matters of detail likewise concluded. It is being said at present that the Viceroy will proceed to make a personal inspection of the forts situated on the Peiho and at Taku and Peetang, and it is imagined that he will likewise avail himself of the opportunity, when outside Taku, to make an inspection of the Japanese iron-clad man of war—if she is still lying at the anchorage there. —*North-China Herald.*

eternal friendship and regard [illegible] only feelings they would henceforth entertain for foreigners. They parted. The Japanese in a state of beatitude, oblivious to first prejudice, and with strange but not altogether new feelings permeating their whole systems: the foreigner happy in the thought that he had made several of his fellow creatures happy, and promoted good feeling towards foreigners in the hearts of men who had until then been their bitterest foes, and all this he had accomplished by the trifling outlay of $4.

SINCE we last noticed the *Kobe Minato Shimbun*, we have received two more numbers. We may shortly summarise the contents as follows. First there is a Notification from Daijokwan that the present five sen postage stamps will not be valid after the 31st instant, and that up to that time the Post Office and Branch Offices will buy them back from holders, but not afterwards. Following this is another Notification forbidding public officials to write in newspapers, concerning the affairs of their offices, or anything likely to injure the relations of Japan wich foreign countries. Then comes a short list of some military appointments, apparently for recruiting purposes only, and the number finishes with a letter from the chief of the members of the Exchange in reply to the correspondent who had previously complained of the difficulty he had experienced in trying to change a soiled satz. This representative correspondon does not go into the particular case cited but denies that there is any rule as to exacting a squeeze on stained paper money, and that the aggrieved person should have gone among the members of the exchange and complained. Instead of that he "rushes into print," and by not stating names brings all exchangers into discredit. It is suggested also that he perhaps has ill-will against the members of the exchange.

The other number is taken up to some extent with the returns of the duties received by the Custom-house during March, but there is also rather more than the average of correspondence. Part of this however has no general interest, being merely about a theft from a house of ill fame. The longest effusion is from the original holder of the stained bu satz, and is a vindication not written without ability, of the course he pursued in publishing the facts in the newspaper without publishing the names. He argues, in fact, in favor of the efficacy of anonymous writing in putting an end to an abuse in connection with which, his own private remonstrance would go for nothing, and to publish names would breed bad blood. He bears the exchangers no ill-will at all,—he only intended a kind of remonstrance and he thinks that he has put an end to the extorting of a squeezs on stained, but genuine paper money.—*Hiogo News.*

No 401 Legation of Yokohama

Japan May 21st 1873

Sir.

I have the honor to advise you that by the mail from Shanghai which arrived here yesterday I received a private note from General C. W. Le Gendre from which I learn that the Embassy has exchanged ratifications of the Treaty with the Chinese Government and was at that date May 4th about to proceed to Pekin equipped and attended by the Chinese Authorities in a style entirely suitable to the exalted rank of the Ambassador and in a manner far exceeding in politeness and attention the reception of any previous Embassy by

Hon Hamilton Fish the

Secretary of State

Washington D.C.

the Chinese Government.

This I am happy to believe augurs disreputable results to flow from my efforts in this affair rather than the gloomy ones so confidently predicted by many.

Reports have reached here that the U S Ashuelot is prevented from passing the Tekoo forts by the Chinese garrison. This report I wholly discredit as Sir Lyon does make no mention of any disturbances and my advices are quite as late as any that could have reached here except by cable.

I Am Sir

Your Most Obedient Servant

C E De Long

Ack
~~Copy~~ Report that Consular Regs made a satisfactory-

No 402 Ack. Legation Japan June 24

May 22nd 1873



From Mr Berdan

to E. De Long

Minister

Contents

Reporting Correspondence with the Foreign Office relative to the Misunderstanding between Consul Shepard and the Commissioner of Customs at this Port-

No 402 Legation of Yokohama

Japan May 22nd 1873

Sir

With reference to the disagreeable misunderstanding that has arisen between Mr Consul Shepard and the Japanese Commissioner of Customs detailed to you in my No 393. of the 7th inst I beg to state that on the 19th inst I received a Note from the Minister for Foreign Affairs upon the subject. (Enclosure No 1) accompanied by a copy of Mr Shepard's Letter to the Commissioner (Enclosure No 2) 1/402 2/402

After carefully considering this matter I concluded that I could not well request Mr Shepard to proceed further than

Hon Hamilton Fish

Secretary of State

Washington D C

he had done to restore kind relations until
something like a corresponding spirit on
the part of the Commissioner was exhibited
I therefore replied to that effect—

3/402 (Enclosure No 3)

I beg further to inform you that the
Entire diplomatic Corps is labouring to
obtain a general apointment of all of
the irregularities on the part of the
Customs officials which is giving us all
no little trouble.

I will detail these proceedings in
another dispatch

I have the honor to remain

Sir

Your most obedient Servant

E. De Long

List of Enclosures

No 1. Minister of Foreign Affairs to De Long

No 2. Note of Shipard to Commissioners

No 3. De Long to Minister for

Foreign Affairs

Copy of translation

Foreign Office Yokei

18th 8-th Month 6th year

of Meiji

Sir

The Sub Minister for Foreign

Affairs had the honor on the 11th

month of the 4th year of Meiji

to inform the Representative of the United

States and those of all the other

foreign nations that the officers of

the Revenue Department would attend

at the Custom House in Yokohama

for the transaction of its affairs,

receipt of which information has

been acknowledged by all of them.

Henceforward correspondence between

Mr. Shepard U.S. Consul and the

Commissioner of Customs has been

held without the least difficulty

upon

upon the business of the said Custom
House. However I am very much
surprised to hear that the former
has suddenly declined to correspond
with the latter and has even returned
a letter upon public business addressed
to him some time since by Mr. Saunde
acting for Mr. Nakashima the Commissio
of Customs and moreover he has sent
to him Oye the Governor of the Kanagawa
him a letter which says he knows of
no such officer as the Commissioner of
Customs nor does he recognize him.
except as a subordinate officer und
the said Governor; and that as in
the transaction of important business
he has frequently received Interpreters
from the Governor as he has transac
little matters of business with the
said

said Commissioner, but he declines to confer with any one else except the Governor himself upon all affairs of Customs. At our last interview I told you that it is our duty to hear and determine with impartiality the important differences arising between our respective nations and to keep continual friendly intercourse amicably and such an action as that committed by Mr. Shepard without any notice to this Department of the matter by you being considered an injury to the intercourse between our respective countries I would like to see taken the steps essential to restore both parties to their former faithful friendships. Now it is mentioned in enclosure addressed to Mr. Nakashima by Mr.

Shepard

Sheppard that he is authorized to
recognise and correspond with Mr.
Nakashima as Commissioner of Customs
by Your Excellency.

I deem it very unbecoming that Mr
Sheppards states that he will recognise
Mr. Nakashima as Commissioner of Customs
after the latter has already been recognised
by you as well as by the Representatives
of the other nations and several
correspondence have been held
between your Consul and Mr Nakashima
as such.

I beg therefore you will fully consider
and speedily take the proper
measures to the matter.

With respect & consideration

H. C. Mosgens Kagenori

L. C. De Long Acting Minister for F. A.

Con Ex & Minn. Plen
of the United States in Japan

Copies

Yokohama April. 25th 1873.

Nakashima Nobuyuki Esqr.
Supt of Customs

Sir

I am in receipt of an instruction from C.E. De Long Esqr U.S Minister to the effect that until "otherwise directed" and in order that the business of the port may not be disturbed I am authorized to recognize and correspond with you as Commissioner of Customs.

I shall therefore be pleased to communicate with you at any time and if you desire I stand ready to receive and reply to the letter addressed to me sometime since by

by Mr. Lowder which it was then my duty to return.

I am Sir

Your obedient Servant.

L. C. Shepard

Consul

Copy

No 41 U.S. Legation Yokohama

Japan May 20th 1873.

His Excellency

Ogyu Kagenori

Second Asst. Min for Foreign Affairs

Yedo Japan

Sir

Acknowledging the receipt of your note of date the 18th inst relative to the unfortunate differences which have arisen at the Port between the American Consul and the Commissioner of Customs & beg to state in reply.

That inasmuch as the official relations between these two officers continued friendly and without interruption until the Consul declined to receive the Sounder note and replied

refused refusing to recognise the Commissioner,
now that the Consul acting under
my instructions has addressed the
Commissioner a note of recognition, at
the same time offering to receive
and reply to the communication
previously returned, I submit to
your Excellency whether it is not
proper for you to instruct your
Commissioner to continue the relations
previously held with the Consul by
him rather than for me to instruct
the Consul to go further than he has
already done inasmuch as his communi-
-cation to the Commissioner has
met with no response.

The language in Mr. Shepard's note
to Mr Oye Lak not being addressed
to the Commissioner can hardly
form

form a proper subject of complaint
on his part and cannot be considered
by me as forming any sufficient
justification for him in this case;
as these notes were written previous
to the time when the Sowder letter
was written and as the Commissioner
did not attach except thereto it
appears to me to be wholly out of place
for him to do so now.

I beg to assure your Excellency
I fully and cordially reciprocate
your kind feeling of desire to
prevent any occurrence having
a tendency to disturb in the least
the kind feeling so long existing
between all Departments and
officials of your Government and
my own, and to further assure

Your

you that I will at all times with the utmost pleasure co-operate with you in every effort to reconcile differences that have or that may arise hereafter between subordinates of our own.

Sincerely trusting that you may agree with me in the views herein expressed.

I have the honor to remain

Sirs,

Your most obedient Servant

L. E. De Long.

Ans. Adv. June 23 Acke — W Berdan

Legation Japan

May 22nd 1873



No 403

Sir

C E De Long

U S Minister

Contents.

Forwarding reply of the Japanese Government to Ex Minister Enoyes Letter on the financial condition of the Empire: expressing the opinion that the reply is unsatisfactory

No 403 Delegation Yokohama

Japan May 22nd 1878

Sir

Referring to my No 399 by this mail I have the honor to inform you that on yesterday whilst I was at the Foreign Office the Minister made mention of the fact that a reply to the Letter of the Minister of Finance had been prepared to be sent to the Embassy in Europe. I asked him if he would furnish me with a copy of the same to forward to you. He promised to do so and this evening he handed it to me

(Enclosure No 1) 1/403

I must admit that it is one of the most lame and insufficient documents I

Hon Hamilton Fish have

Secretary of State

Washington DC

I am sorry I cannot report as important a subject. in fact it is no answer.

In conversation the Minister said to me that Mr Envoys letter was like a statement of one side of an account. for instance he said. we borrow money to build a rail road. Envoy states that indebtedness but-gets the Government no credit- for the road which we can dispose of to our merchants for far more than it costs. also he states our indebtedness in outstanding paper currency but omits to state that we have a million balance in our treasury ready to redeem it all. - Any thing of this nature was what I expected this document was.

I am Sir

Your Obedient Servant

C. E. De Long

List of Enclosures.

No 1. Reply of Japanese Government to Ex Finance Ministers Letter.

Translation.

The accompanying Statement appears reasonable, but there is a singular disparity between the facts as they are, and the Statements it contains about the National Debt, with the details of the receipts and disbursements. And the account of the management of affairs given in the latter part, + materially conflicts with that contained in the commencement.

It also recommends (very judiciously) the administration of Government, to suit the minds of the people.

but.

but on this latter point, the Government have already determined to remodel the same. Hence, this question need cause no anxiety.

There is shown an excess of 10 000 000 in the expenditures over the receipts; but in this account, the price of rice was figured at ₱2.45, (rice) when at a higher price, the receipts are larger: and this varies with every year.

On account of the change of Dainiates to Yen, extra outlay has been needed. but that, with other expenditures of a like character, was only a temporary outlay, and

and will not be continued.

These facts should be considered in an estimate for future years.

The Government Debt, is stated to be over 140,000,000. Here also, there is a discrepancy to be noticed.

Taken altogether, the whole subject, viewed in a proper light, shows that there can neither be a yearly deficit of 10,000,000, nor can there be a Debt of 140,000,000, and as the statement in question was incorrect, and intended to annoy; it has been returned.

C C Dudley
Minister

No 403
dated Aug 22. 1873.

Incloses
Forwarding a reply
of the Japanese Govt
to ex Minister Burgess'
statement of the
financial condition
of this Country

No 404.

U. S. Legation, Japan,

Yokohama, May 22. 1873.

DEPARTMENT OF STATE RECEIVED JAN 23 1874

Mr DeLong

to the

Hon. Secretary of State.

Subject.

Forwards tea reports from Consuls Shepard and Turner.

Enclosures.

1. Tea report from Consul Turner.

2. Tea report from Consul Shepard.

No 404.

U. S. Legation. Japan.

Yokohama, May 22. 1873.

Sir:

I have the honor to forward herewith a tea report received today from Consul Turner at Kobi, and copy of similar report handed me by Consul Shepard of Kanagawa.

Enclosure No 2.

I have the honor to remain,

Sir.

Your most obt. servant.

C. E. DeLong.

Hon. Hamilton Fish.

Secretary of State,

Washington, D. C.

No 404. Enclosure 1.

Extract from Hiogo and Osaca Prices Current and Market Report.

Export of teas from 1st June, 1872, to May 17. 1873 — 5,503,295 lbs

For April (from 18th) 24,680

" May (to 14th) 6,845

Export of tea for May, 1873.

Prices current.

Common Nominal

Good Common "

Medium "

Good Medium "

Fine

Finest

Choice

Choicest

57 and 65

All

All quotations are in Mexican dollars.

Recapitulation of total export of tea from 1st June, 1872 to May 14.

To New York and Boston	4. 188. 674.
To San Francisco	149.428
To Canada	5-5-834
To London	2.700
Coastwise	948.906
To China	191,678
Total	5,5-37,2-25.

No 404. Enclosure 2.

Copy.

No 135:

U. S. Consulate,

Kanagawa, May 22. 1873.

Hon. C. E. DeLong.

U. S. Minister.

Sir:

I have the honor to report the following as the current prices for teas at this port during the past months.

Fine $43 @ $46 per Picul

Finest 48 " 52 " "

Choicest 53 " 60 " "

I have the honor to be, Sir,

Your obt. servant.

C. O. Shepard.

Consul.

724

Legation of the United States,

22 May, 1873.

SUBJECT.

Forwarding Sea Reports

REFERENCE.

Secretary of the Treasury

24th June, 1873.

Ack'd

Legation Japan

May 22nd 1873

No 405

Hon

C E De Long

Minister



Contents

Forwarding Knight Bill of goods.

Sent to Major Ingersoll

No 405 U.S. Legation Yokohama

Japan May 22nd 1873

Sir.

Referring to my No 385 of the 22nd of April last I beg leave to enclose Parcel Receipt for the articles presented by the Japanese Government to our War Department. (Enclosure No 1) 1/405

I could not obtain their conveyance as freight owing to their lightness therefore I had to ship them as parcels at an expense of Sixteen Dollars which I have advanced and will charge in my next Contingent Expense account.

I am Sir

Your obedient Servant

C E DeLong

Hon

Hamilton Fish

Secretary of State

Washington DC

C C. De Long
Lancaster

No 405

Dated May 22 /43

Forwarding Parcel
Receipt of goods
sent to Major
Jorgersall.

Mr Brigham is here upon
shown him this dispatch

Answered
Dec
D June 23

Dekd

Delivered
June 24

Legation Japan
May 22 1873

DEPARTMENT OF STATE
RECEIVED
JUN 21 1873

No 406

Sir

Edd Long

Minister

Contents.

Asking instructions as to recognition of Foreign Commissioner and entering the Ports of Japan.

No 406 U.S. Legation Yokohama

Japan May 22nd 1873

Sir

A somewhat novel and important question has arisen here upon which I beg to ask your early and full instructions.

In some correspondence that has passed between the Japanese Minister for Foreign Affairs and the Foreign Representatives with regard to the joint action of the local Japanese Authorities at each port with the Foreign Consuls in drafting a Code of Customs Regulations the Minister has notified us that in this labor the Commissioner would be assisted by one Mr Frederick Lowder who is a British Subject in Japanese service

In replying to this Communication

Hon Hamilton Fish

Secretary of State

Washington D C

communication ~~with~~ the Representatives have all agreed to state that we have no objection to Mr Sowden's participating and aiding but being a British subject we could not recognize him in any way as having any power or authority to conclude any business on behalf of this government. To this language after the term "British subject" I insisted upon adding the phrase "non-commissioned," stating as my reasons that I deemed it to be my duty to recognize any person as having become fully subject to Japanese law and jurisdiction who should accept an imperial Commission and enter either the military ~~or~~ naval or civil service of this government. In this view I stand alone and unsupported by any of my colleagues who whilst admitting this to be the rule of practice between christian States at the same time insist that

the

the doctrine of extra territoriality in force
here consists that rule to be inoperative
and a foreigner here unless he shall
become naturalized in some legal
and formal manner must be regarded
as a citizen of and subject to the laws
and the jurisdiction of the officers of
his own government.

I agree to this rule so far as mere
employees or servants are concerned
but in such a case as that of General
C. W. Le Gendre for instance - who has
received a royal Commission in due
form constituting him an officer of
departmental rank and has entered formaly
into the service of the Japanese I think
he is to be regarded whilst here as a Japanese
subject and if upon his return he should
be assigned to duty as one of the assistant

Ministers

Ministers for Foreign Affairs: I do not see upon what grounds any Foreign Representative could refuse to transact and conclude business with them within the scope of the functions he is vested with.

I may be wholly wrong in this view therefore I beg to solicit early and full instructions upon this point especially with regard to Le Gendre whom we may very soon be called upon to recognize or to refuse to recognize

I am Sir

Your obedient Servant

C E DeLong

Ack^d / Sept Mr Pomeroy
No 407 done 1 Sept

Mr O'Connor
to
Mr Fish

Legation Japan

May 26th 1873



Sirs

C. E. DeLong

Minister

Contents.

Reply to Instruction No 180. of date March 8th 1873. forwarding urgent information relative to the Hiogo Tsuruga question at Kobe.

No 407 Legation Japan
May 26th 1873

Sir

In obedience to your instruction No 180 of date March 8th 1873. I addressed Consul Turner a note calling upon him to furnish me with the required information. (Enclosure No 1) 1/407

On the 20th inst- I received a reply from him accompanied by thirteen Enclosures (Enclosure No 2) 2/407

I have had copies of the Enclosures prepared, and filed with the Consuls dispatch herewith transmitting to you the originals received by me from him -

The Consuls request for further instructions

Hon Hamilton Fish
Secretary of State
Washington DC

instructions I have not complied with as I trust no necessity will arise prior to the receipt of instructions from you

I Am Sir

Your obedient Servant

C & D de Long

No 1. De Long to Timmon

No 2. Timmon in reply.

Copy

No 120 U.S. Legation Japan

May 9th 1873

Sir

Referring to the question of the waterfrontage at your port just in issue by the request made to have the lease of the China and Japan Trading Co to certain lots reformed.

I beg to state that I submitted a copy of your dispatch to me, with its enclosures to the Department of State for instructions. Sir reply I am instructed to forward copy of lease or contract under which the land is held and also a full statement of the present condition of the controversy. I will thank you to prepare and forward the same to me for transmission to the Department.

Department. — Should you be aware of any other leases or Contract held by American Citizens at your Port under which similar questions are liable to arise: if they should be materially different from this lease will forward I will thank you also to obtain and forward to me copies of one or more of such instruments as I wish to inform the Hon Secretary very fully about this matter that I may obtain complete instructions for future guidance

I am Sir

Your obedient Servant

C. C. De Long.

Daniel Turner Esq.

U.S. Consul

Kobe Japan

No 122

U. S. Consulate at
Osaca & Nisio, Japan.
Nisio October 30th, 1872

Sir

In compliance with instructions contained in your Dispatch No. 127, I have the honor to transmit herewith the original lease, (marked Enclosure No 1) and diagram of premises (marked enclosure No 2) which purports to represent the lands as they at present appear and which seems, to have been drawn rather to please the eye, than upon any particular Scale. I enclose copy of a diagram of the Canals (marked enclosure No 3) the original of which were made prior to the building of the 'Bund Wall'

I have conferred with the Agent of the Chino & Japan Trading Company, in reference to the contents of your Dispatch dated

and

and leave to report, that, on the morning of
28th instant, the agent of "Nasimoto Tosaymon"
party of the above mentioned lease was presented
to me, and stated that "Nasimoto Tosaymon",
his principal, was out of town, and was
likely to remain out of town for an indefinite
length of time, but that he, the agent of
"Nasimoto Tosaymon" was empowered to
transact his business, for his principal during said
principals absence, and that for that
purpose "Nasimoto Tosaymon's business
Seal had been left in his charge, further
that under "Nasimoto Tosaymon's, direction
he had transacted all business pertaining
to the lands now in possession of the Chinese
and Japan Trading Company, that he
had accepted rents upon the Conditions of
a new lease, Copy of which I enclose, (marked
Enclosure No 4) and had given therefore
receipts

receipts for the amounts (under Seal) Copy
of Said receipts enclosed (Marked enclosure
No 5,) that in addition they had removed
certain buildings, on the premises discribed
in enclosure No 4, and had accepted
payment for Said Sawdie for which he also
gave receipts Copies of which are enclosed
(Marked Enclosures No 6 & 7) that he an
agent and "Hasmoto Jasujms" an Interpreter
understood the meaning and intention of
Said lease (Enclosure 4th) and were willing
to Sign the Same at any time the Authorities,
at the Land office, would grant them permission
he further stated that if the "rated frontage"
clause was omitted in the new lease the
Land Office would withdraw his objection,
to his signing the same, I could not advise
the Chinese & Japan Trading Company
to conceed the right of "rated frontage" as

it would. indeed a question interesting the holders of a number of other lots, and the question arising at some future time, that Concession could be used as a precedent— and occasion much annoyance,

After this Conversation I expressed a desire to see the Governor seal of "Narsinsto Tosayna" and for that purpose went to his House of business with the party representing— himself as agent. the seal was produced at my request, an impression was taken and finding it to correspond with the impression on the original signed by the several Copies marked requested to be put in possession of an impression which I enclose (Marked—— Enclosure No. 6),

The annual rent of Three hundred (300) Rix's is not in my opinion less than should be charged and from what I can learn

land. I think I can safely say it is only in proportion to that paid for other pieces of land in that vicinity. The right to transfer said pieces of property, having been acknowledged by the Land office from their granting permission to transfer the original land, and registering the same, cannot be arbitrarily withdrawn by the Local Authorities, Should such right be conceded all lands not sold the concessions now possessed by Foreigners would become worse than valueless to the Lessees.

The Amount of rent due by the terms of the new lease. Can been deposited in this Consulate subject to a receipt issued from the Authorities, and notice sent to the Name (Governor) of the Area who requests that no further steps be taken in the matter until the return of the

Grey Lanyi

(Vice Governd) who is at present in Tokio

I would have liked enclose for your more particulard information, correspondence in reference to the amount of rent, Three hundred (300) Rios, now on deposit in this Consulate, (marked enclosure No 4) also Copy of an affidavit, in reference to the meeting of the Second heavy. (Marked enclosure No 5.)

I regret that you should have been annoyed with this matter, but could not conscientiously take other steps than those already taken

I have the honour to be

Sir,

To H. E.

Hon C. E. De Long. Your obet Servt

Envoy Ex & Minister Plen. (Signed) Daniel Thurber.

(City)

This agreement made on the fourteenth day of July one Thousand Eight Hundred and Sixty Eight between W. M. Robinet a citizen of the United States of America carrying on business at this port and elsewhere in Japan of the first part, and Sayga ya Takefumi and Fugaa Hagiro Japanese subjects at present residents of Kobe - who have a full right on the premises as per annexed title from Mr. Hasymoto Tosay new owner of a plot of land known as Foutate Shaya Hamah portion of the second part witnesseth

That the parties of the second part agree to demise and to let unto W. M. Robinet party of the first part a certain piece of land near to the beach, fronting the public thoroughfare running in a westerly direction one hundred and three feet six inches, there in an Easterly direction sixty seven feet five inches, there in a Southerly direction twenty three feet, there in an Easterly direction twenty nine feet six inches, and there in a Southerly direction to the place of beginning seventy six feet nine inches; and settled to be considered this measurement for rent purposes two hundred and twenty tsubos, together with the full right to the water frontage to the warter mark along the beach as far as the above mentioned land extends, to have and to hold the same unto the said W. M. Robinet his agent, heirs, executors, administrators and assigns from the above given date at a monthly rent of one itzybo per Tsubo, payable as follows, the first three months payable in advance receipt of same hereby acknowledged and also annexed, and after said period Monthly payment to be made monthly in advance and rent to commence from the first day of the Japanese sixth months, say fifty five

Ryo

Rise every month; and subject to such taxes
as are in conformity and Conventions and Stip
ulations for Robe; and it further agreed that
Wm. Robinet his agents, heirs, executors an
assigns shall have full right to put such bui
and make such improvements, and take them do
as their interests may dictate, the present le
now for a period of five years, at the e
piration of which, the party of the first par
can renew it, and so continue renewing it
he may desire, remaining in a quiet undi
turbed possession of the said land so long a
the rent is paid properly as stated in t
lease.

In witness where of the parties of the
first part and those of the second part
have hereunto set their hands and seals
the day month and year above writte

Signed and sealed
in the presence of
O. Opston

Sgd. Wm Robinet.

Consular Agency of the U. S. of Amer
Hiogo July 17. 1868.
Recorded in this Consular office in the rec
book on pages No 27 and 28. and marked at
(Sgd.) Paul Frank
U. S. Consular Agent.

Consul Seal

第十四番

一千八百六十八年一月七日ヨリ向フ亜米利加合衆國住民ドブリ
ユムロビヨットヨリ同年神戸海岸通ニ面シ地面
但シ其ノ人ハ其ノ家ニ在ル間シ地所ヲ使用スルノ権ヲ得シ後ニ至リテ其ノ地所ヲ返還スルモノナリ

一右両人ヨリ其ノ神戸海岸通ニ面シ地面
ヨリ西ノ方ニ向テ七十六フート六インチ
東ノ方ニ向テ六十フート六インチヲ今ヨリ
迄ニ至リテ二十九フート六インチニ
地料ヲ以テ二分限ヲ分ケ
三ヶ月分ヲ納ムヘク右ニヶ月
一ヶ月地料金壱弗ニシテ
ロビヨットヨリ
保ツ権ヲ得タリ
日ヨリ満了ス
右地面ニ建物
或ハ其地面ヲ仕替ル
ヘシ

一右地面ハ地料
ヨリ向フ
権ノ年限ヲ
高ニ応シ
右ハ
ヘシ

右為證我等各自ノ名ヲ記シ
ナリ

慶應四辰年二月ヨリ

右約定ノ
ヘシ

I the within named William M. Robinet have this
Transferred, assigned and set over, and do by these pre
Transfer, assign, and set over the within Lease of lot, da
the fourteenth day of July one Thousand Eight Hundr
and Sixty Eight, and recorded at the Consular Ag
of the United States of America at Hiogo the seventee
day of July one thousand Eight Hundred and Sixty E
(including all Buildings thereon or improvements thereo
for the Consideration and to the party named in the
attached Bill of Sale Viz: To John Fogg Trumbly
trust for the use of the C.S. Trading Co, in cons
ration of the sum of Five Thousand Mex. Dolla
paid to me the said Robinet by the said Trumb
before the signing, sealing and delivering hereof.

In witness where of I have hereunto
my seal, this Twenty Fifth day of August Eigh
Hundred and Sixty Nine, at Kobe Japan.

(Sgd.) Wm Robinet

Signed Sealed and
delivered in presence of us.
(Sgd.) Chas Wyman
(Sgd) Paul Frank

Consulate of the United States of America
at Kobe Japan August 25th 186

I the undersigned Consul Etc do hereby certify that
Wm M. Robinet signed and sealed the above assig
of Lease in my presence, and in the presence
witnesses thereto, and acknowledged the same
his act and deed for the purposes therein
tioned.—

Given under my hand the day and
above mentioned.

(Sgd.) T. Scott Stewart
US Consul
Osaca & Hiogo Japan

North

Street

Land of Hashimoto Saimon.

Land of Hashimoto Saimon

96'

Public alley 6' wide

103'

A. Lot

C+f. J. 6.

103'

Public alley 5' wide

Land of Saka Hama Saimon.

Lot

74' 6'

Original Front Street 18' feet wide

74' 6"

B. Lot

C+f. J. 6.

New Lot

Saka Hama Saimon

"A" "B" Lots Leased by the C+f.
ding Co." and C. J. + E. Bund
ter Front and Water fronting
ent or appurtenances of the above
d on the Front. 74' 6" Wide

C

Bund.

Bund.

Bund.

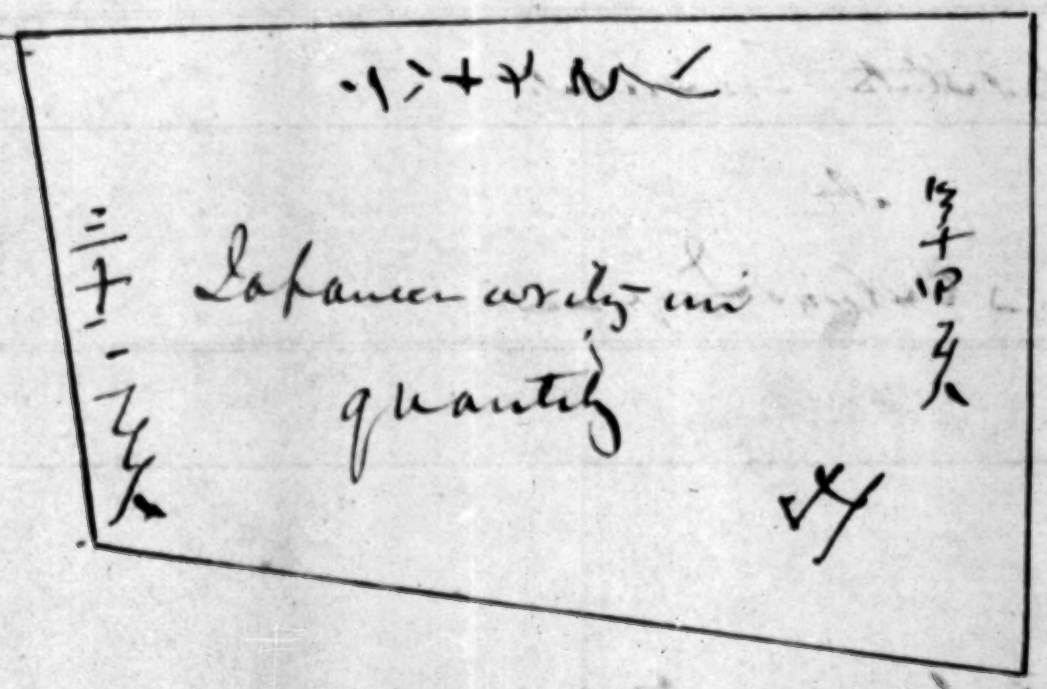
D

Water Front

Water Front

Water Front

74' 6"



No 4

United States Consulate &c.

at

Isaac Elting Esqr

With Dispatch 744

Enclosure - 2.

Copy of a copy

to

Consul.

No 4

United States Consulate

at

Isaac Victoria Texas

With Dispatch 744

Enclosure - 2

Copy of a Copy

to

Assigned.

Threats have been made to remove, stobs leading to the water, fronting said property and other of a similar character, the threats were not carried out, but are liable to be repeated with different results at any time, in fact should the idea of creating land accord to them, there is nothing (if the water frontage clause does not hold good), to prevent ~~them~~ unlimited form filling in the immediate front of this and other properties, occupying the property, thus created, by native dwellings and stores.

Threats have been made to remove slabs leading to the water, fronting this property and other of similar character, the threats were not carried out, but are liable to be repeated with different results at any time, in fact should the idea of creating new land ocean to land, there is nothing (if the water frontage claim does not hold good), to prevent ~~the~~ unlimited ~~from~~ filling in the immediate front of this and other properties, occupying the property, thus created, by outside dwellings and stores.

Threats have been made to remove stobs leading to the water, fronting said property and other of a similar character, the threats were not carried out, but are liable to be repeated with different results at any time, in fact should the idea of creating land accord to them, there is nothing (if the water frontage clause does not hold good) to prevent ~~them~~ persons from filling in the immediate front of this and other properties, occupying the property, and erected by native dwellings and stores.

Climate have been made to remove, stiles leading to the water, fronting this property and other of a similar character, the climate were not carried out, but are liable to be repeated with different results at any time, in fact should the idea of creating new land ceased to them, there is nothing (if the water frontage clause does not hold good) to prevent ~~the~~ unlimited ~~from~~ filling in the immediate front of this and other properties, occupying the property, thus created, by native dwellings and stores,

Thereto have been made to remove, stakes leading to the water, fronting said property and other of similar character, the threats were not carried out, but are liable to be repeated with different results at any time, in fact should the idea of creating new land accord to them, there is nothing (if the water frontage clause does not hold good) to prevent ~~them~~ unlimited ~~from~~ filling in the immediate front of this and other properties, occupying the property, thus created, by native dwellings and stores.

Threats have been made to remove, stubs leading to the water, fronting said property and other of a similar character, the threats were not carried out, but are liable to be repeated with different results at any time, in fact should the idea of creating new land accord to them, there is nothing (if the water frontage clause does not hold good) to prevent ~~them~~ persons from filling in the immediate front of this and other properties, occupying the property, and erected, by native dwellings and stores,

Ultimate Trade Com made to remove, Stubs leading to the water, fronting said property and other of similar character, the ultimate were not carried out, but are liable to be repeated with different results at any time, in fact should the idea of creating new land accord to them, there is nothing (if the water frontage clause does not hold good) to prevent ~~the Municipality~~ from filling in the immediate front of this and other properties, occupying the property, and erected by private dwellings and Stores,

With Enclosure "A"

Affidavit

I the undersigned Herbert Augustus Stevens an English subject, duly sworn on oath declare, That during the year 1870 and the first eight months of 1871 I was in the employ of the b[illegible] Trading Co Ltd.

In the latter part of 1870 - The Landlord and or his representative, Ta-ke-gi-ro expressed a wish to have a new Lease for the ground occupied by the b.J.T.C. He made this request several times, and offered new favorable terms for a new lease, requesting that the name of the two middle men or brokers be omitted from the new Lease - and the lease made direct with him Hae-mioto To-ai-mon.

An answer to his request was delayed until the arrival of Mon J. F. Trumbly in December 1870, with whom a new lease was agreed upon.

The terms were, that Hae-mioto To-ai-mon should remove two storied double Japanese House standing very near to and at the North of the b.J.T.C. lot under lease, and the ground occupied was to be added to the land already under lease to the b.J.T.C.

The Consideration for removing was 80 Ries which amount was paid.

He also agreed to stake off the limits of the road in front of the b.J.T.C. lot. -

The Consideration for the new Lease was a term of 33 0.- and a yearly Rental of 300 Ts per annum in perpetuity.

I remember to have signed a lease (English Version) as a witness. This lease was drawn up by Mr. J. F. Trumbly, and afterwards I interpreted the same to the Landlord or his representative Ta-ke-gi-ro

The substance of the new lease was first discussed and agreed upon before the lease was written, and was

interpreted to him and agreed to by him

He has always during my residence in R
expressed his willingness to sign the lease, b
the Custom House authorities were not willing

The subject was very fully discussed
when the whole was arranged the Landlord o
representative to take it so expressed his thanks
my trouble as interpreter and as a favor g
me a lease of a corner house next to the h
herein mentioned as having a building r
moved from it, at a very low rental.

In further proof of mutual un
standing Mr Trembly presented the Landl
with two Rail way cups.

(Sgd) Herbert A. Stev

Sworn at Hong Kong by the
within named Herbert
Augustus Stevens this 14th
day of August 1872. before
me
(Sgd) H. L. Wilkinson
Asst
H.B.M. Consul

United States Consul
at
Canal Ellapi, Egy
Port Said 14th
Enclosure No.
Copy of Affidavit

Indenture

It is hereby agreed by and between John Fogg Twombly as Trustee of and for The C.J. Trading Co. (The China and Japan Trading Company) — Lessee by Assignment, (as per indorsement on the attached Instrument of Lease) from W. M. Robinet, the original Lessee — Party of the First Part, and Hashimoto To Sammon, a Japanese Subject, owner and Lessor, of the Ground, Premises, and appurtenances, leased, or so intended to be, by the said Instrument, and mentioned therein, as "Mr. Hashimoto To Saymen owner" &c, Party of the Second Part as follows —

That in consideration of the sums of Three hundred and Thirty Rios (330 Rios) Japanese money paid by the Party of the First part to the Party of the Second at or before the signing, Sealing, and delivering of this Indenture, the receipt whereof is hereby acknowledged, and in further consideration of the Party ~~of the Party~~ of the First Part agreeing, hereafter, while leasing the said Premises to pay the Rent hereinafter reserved to the Party of the Second Part annually in advance, instead of, as provided in the annexed Instrument of Lease monthly, in advance, the said Party of the Second Part agrees as follows: Viz

That he will remove, or cause to be removed, the Building occupying the North Easterly re entering angle or corner mentioned in the annexed Instrument of Lease, and add such angle or corner to the Premises thereon leased, so that the Northerly and Easterly boundaries of said Premises shall be straight lines, and leaving the Lot specifically described in the said annexed Instrument of lease, hereafter, bounded by four (4)

straight-lines, as follows: Viz, Commencing at the South Easterly corner of the Lot-, Running Westerly Seventy four feet-& six inches, (74' 6") along a public street-, originally the front-Street-, Eighteen feet-wide (18') thence Northerly, along a public alley, six feet-wide. (6') (and so to remain) One hundred and Three feet-(103') ~~to the place~~ thence Easterly along land belonging to the said Lessor, Ninety six feet-(96') thence Southerly, along a public alley six feet-wide (6') (and so to remain.) One hundred and three feet-(103') to the place of beginning

That the Lot- of Land made by the deposit- of the water of the Port- and permitted by the public authorities, to be privately appropriated (South of the original front-street-, 18 feet-wide, bounding, on the south the last-beforementioned Lot-, and of the same width, say Seventy four feet-and six inches (74' 6") as the front thereof, and of such debth as has been or may be determined by public survey, being all that lot or parcel of ground, lying between the said Street- and the Bund, or present-and prospective Front-Street- the street-to the south, and along the water of the Port- is and shall be construed to be included in the annexed Instrument-of Lease as an appurtenance or dependency thereof. as also, any other Land, in like manner, made, during the pendency of this Lease, on the Front-of the last mentioned Lot- and of the width of the same, say Seventy four feet-and six inches (74' 6") and permitted, by the public authorities, to be privately appropriated together with the right-to, and of the Water Front-, of the same width, The intention and meaning of the said annexed Instrument-of Lease, being to convey to

he Lessee, during the pendency of the Lease, all my
ights, prvveleges, and immunities present or prospec
ve, pertaining to the said first-mentioned Lot of Land
hich is hereby reaffirmed, and which Lot, and appurten
nces, and appendages, are more clearly exhebited by
he Map, or Plan of the same, and description
hereof appended

That the Rent hereafter to be paid under the ann
exed Instrument of Lease, is and shall be, Three
Hundred Ris Japanese money (300 Ris) equivalent
to Three hundred Mexican Dollars (300 Mex) annually
in advance, instead of the Sums therein mentioned and
heretofore paid

That All Taxes assessments, Dues, or Rates, now
vied or assessed, or which may and shall be levied
nd assessed, hereafter on the said leased Ground,
remises, and or appurtenances, by any authorities or
uthority, competent thereto, or having legal author
y therefor shall be borne and paid by him the said Party
the Second Part Kashumoto To Saimon, the Lessee,
his legal representatives

That the said Party of the Second Part Kashumoto
Saimon, the Lessee, Covenant and agrees to and
th the said Party of the First Part That the said annexed
strument of Lease is his act and that the said
gga Taki fino and Fugia Augero Represented therein
Lessrs, under Authority from him, were Middle
en Brokers, or attorneys, of him, only, and that
e will procure them to indorse said fact on
id Instrument of Lease. That he is the owner of
e said Leased. Granted and Demised Lots, Land
Premises and appurtenances and dependencies
hat he has good right and legal authority to Gr
ant lease, and Demise, the said Lots, Land

or Premises and appurtenances, and that he will, and his, Executors administrators and or other Legal Representatives shall warrant and defend the same to the said Party of the First-Part his heirs, Executors, administrators, and assigns and or other Legal Representatives, against the lawful claim or claims of any party or parties persons or persons whatever during this Lease.

That the Party of the First-Part and his assigns or other legal representatives may use or employ the said granted and leased Premises and appurtenances as he or they may see fit, as fully, as if he or they were the owner or owners thereof, erecting, altering and removing buildings and making any other changes in or use of the same at his or their pleasure during this Lease, and this Lease is to continue as long as he or they may desire and may be terminated by him or them only, and at his and their pleasure, or option, and he and they are to remain in quiet and undisturbed possession of the said granted Premises and appurtenances, the Rent herein reserved being duly paid by him or them. Whenever the said Party of the First-Part or his assigns or other Legal Representatives may elect to terminate this Lease, he or they may freely Remove, or cause to be removed, as his or their property, all Buildings and other improvements their standing or being on and upon the said granted and leased Premises, appurtenances or dependencies.

Neither Party shall create or permit any nuisance - that is anything manifestly injurious to health or endangering the safety or enjoyment of the Property and Premises of the other on their

spective adjoining Lots
The said Party of the Second Part hereunto to Sam
to be understood to be the Lessee and the said Party
the First Part- John Fogg Twombly, as Trustee of the Sai
hina and Japan Trading Company the Lessee of the said
nd or Premises and appurtenances under this Indenture
he English Copy of this Indenture being the Original
to be referred to in any matter of dispute as to the
eaning of the same
To the true and faithful performance of all
nd singulas, the terms and conditions of the
orthen Indenture, to be severally kept and performed
y them, said Parties hereby bind themselves their
eirs, Executors, Administrators, and Assigns or other
egal Representatives, Each unto the other
In Witness whereof we hereunto set our hands
nd seals and in presence of the witnesses whose
ames are set opposite ours respectively this first
ay of January One Thousand Eight hundred and
eventy one (Jan 1st 1871) at Kobe, (Hiogo) Japan
Witnesses
t. A Stevens (Sgd) John Fogg Twombly (Sgd)
mond Hay (Sgd) as Trustee of the
China and Japan Trading Company

1

United States Consulate

at

Oran & Algiers Dispn

No. Dispatch 74 to

Enclosure 4

Copy of Mrs Lease.

貢

Rate for 100 Rs - 8/ 2nd Payment

Rate of 50 Rs ~~to be~~ paid for

Masonry building in first new Lease

[illegible]

Sir.

Enclosed I have the honor to forward you a copy of a letter sent to the Land Office yesterday, tendering the sum of Three Hundred Rios in full for One years rent of land occupied by our stores, from January 1st. 1872 to Dec 31st. 1872.

We will remark that before tendering this to the Land Office we tendered it to the land lord, who expressed his willingness to accede if the Custom House Authorities would allow — this being understood his (Land Lords) Banto Shimeki went with the writer to arrange the same, The Land Office without

ever consulting the Bank refused
to receive it except only on account
"He now hand the same your
Care," and beg to tender the same
in full for One years rent as above
through your office, He hold our-
selves in readiness to pay the Sum
of Three Hundred and Thirty
Piss Bonus agreed upon with the
Land Lord upon his signing a
new agreement which he accordingly
to have made

Your Faithfully
Signed Gr. J. Trading Co
A. S. Hobe Agt

L.

D. Turner Esq
U. S. Consul
for Kobe & Osaca

Copy. Copy of a Copy supplied this Office

Nobs October 8th, 1872.

To the Land Officer

of the Impl. Govt of Ireland. Nobs.

Sir

We herewith tender to you the Sum of Pds. Three Hundred, in full for One Years rent from January 1st. 1872 to Dec 31st. 1872.

This through your office for Mr. Naimoto Tsayemon owner of land occupied by us and known as Futabi Shaya Nay-mot. We also notify you that the above named Land Lord entered into an agreement with us for a reduction of rent said reduction to commence from and after January 1st. 1870. In accordance with such agreement we have paid him the Sum of Eighty Pds. for removing some Buildings and giving us more

land

land and also ~~land~~ land
paid him for One years rent 300 Rios
from January 1st 1871. to Dec 31st 1871.
we stand ready to fulfil a further part
of the agreement which calls for the Sum
of Rios 330. to be paid as a bonus in
consideration of reducing the rent— Said
Sum to be paid upon the Signing of the
Agreement. The land lord has signified
his willingness to Sign the Agreement
but informs us that the Government objects,
and that consequently he must for the
present wait

Yours faithfully
(Signed) C & J Trading Co.
A. S. Tobey Agt.

Copies of
2 receipts for 40 Rios each and One for 300
Rios (Moneys paid for removing buildings.
and Rent from. January to Dec 31st 1871.) are
attached to the original Copy
David Turner
U.S. Consul

No 135 United States Consulate

at Osaca and Hiogo Japan

Hiogo May 13th 1893

Hon C E. De Long

Envoy Extraordinary and Minister

Plenipotentiary for the United States of

America to Japan

Sir

I have the honor to acknowledge the receipt of your Dispatches No. 119 and 120 dated respectively April 20th and May 9th 1893 I transmit herewith copy of my Dispatch no 144 dated 23rd of October 1892 with its enclosures (Enclosure no 1) which it would appear from your no 119 had not been received at the legation, also copy of leave in favor

Paul.

Paul Frank and J. O. Carroll containing a water frontage clause (Enclosure No 2) and a hasty review of the subject at issue (Enclosure No 3)

As the lease held by the China & Japan Trading Co dated 14th July 1868 for 5 years expires 14th July 1873 I would respectfully inquire what steps should be taken in the event of the authorities demanding possession thereof.

I have the honor &c to be

Your obedient Servant

Daniel Turner.

U.S. Consul.

Enclosure No 1 Copy of Despatch # 14

Do " 2 Copy of P. Frank & J. O Carr

Do " 3 review of the question a

Copy

This agreement made this Eighth day of May, One Thousand Eight Hundred and Sixty eight, between the Japanese Government Office at Kobe, represented by Mr Shimoke Esq. Superintendent of Kobe, party of the first part, and Paul Frank Esq. and I. D. Conrad Esq registered American Citizens, Residents of Kobe, party of the Second part, witnesseth:

That the said Japanese Government office of Kobe hereby agree to demise and to let to the said Paul. Frank and I. D. Conrad a certain piece of Land, nearest to the western limits of the Foreign Concession, running Three Hundred and fifty four feet east and west along the public road, which is Sixty feet wide from high water mark; from the western limit of this line Ninety four feet Northwards, thence Three Hundred and Sixty feet Easterly and thence Seventy Six feet Southwards to the point of beginning to be in all—

Seven Hundred and Seventy Eight Tsubos together with the full right to the

Water frontage to low water mark. along
the beach as far as the above land extends,
to have and to hold the same unto the said
Paul Frank and J. D. Carroll, their
heirs, executors, administrators, or assigns,
from the above given date, at a yearly
rental of Seven Hundred and Seventy
Eight Dols, payable quarterly in
advance, Subject only to such taxes as are
in conformity with the treaty and Conventions
Stipulations of Nobal. It is further agreed
that the said Paul Frank and J. D. Carroll
Shall, after leasing become the owners of the
leases, now on the ground, have the right
to erect such Kinds of building or Buildings
on the above discribed lands as they think
proper, to make such improvements on the
ground as they deem advisable and that
they the said Paul Frank and J. D. Carroll
their heirs, executors, administrators or
assignees, Shall be in quiet and undisturbed
possession of the said land as long as the
rent is paid promptly as stated in this
lease. In witness whereof the hands of

the first part and the Parties of the Second part have hereunto set their hands and Seals the day and year first above written

Signed and Sealed in presence of—

(Signed) D. N. Tillson
James E. Hainwright
Japanese witness.

James

Japanese name affixed

(Signed) Paul Franck.
(Signed) I. D. Carroll
Interpreter Chio Niagara

Japanese seal to—

Consular Agency of the United States of America
Niigata May 12th 1868.

Recorded at this Office the day and year above written

(Signed) Paul Franck.
U. S. Consular Agent.

Enclosure

United States Consulate

at

Osaka Hyogo Japan

Dispatch No. 135

Enclosure No. 2

Copy of a Copy of
Lease in favor of
Paul Frank and
F. L. Carrol.

United States Consulate at
Osaca & Hiogo, Japan.
Hiogo, May 16th 1873.

Sir,

In complying with the request contained in your Dispatch, it becomes necessary for me to state the points upon which I have maintained the requests of Our Countrymen, in order that the impressions of one actually on the spot, and only interested so far as the rights of either parties are concerned should be known.

In July A.D. 1868, Mr. W. M. Robinet a Citizen of the United States entered into a contract with a Japanese subject, for the possession and occupation of a certain piece of property situated on the bay front of the Native town of Kobe for which Mr. W. M. Robinet agreed to pay a certain sum of money.

The written contract or Lease gave to Mr. W. M. Robinet, his heirs, executors and assigns certain privileges and advantages, namely: A right of water frontage, to the water

water mark, the erection of such buildings and making such improvements, and take them down as his interests might dictate, a free and undisturbed possession of the premises so long as the conditions of the indenture is complied with, and lastly the rights to renew the agreement and continue to renew it as he may desire.

In 1869, Mr. J. Fogg Twombly a principal member of the C. & J. Trading Co. purchased all Mr. Robinets right, title and interest in the Lease, becoming thereby the assignee of Mr. Robinett, with all the rights and privileges granted unto Mr. M. M. Robinett.

That these rights and privileges were not in violation of Japanese law is I think admitted by the Local Authorities inasmuch as they examined, recorded and allowed to be delivered the written paper of agreement. - indisputible as all this appears to me it only remains to see what advantages have been taken of the rights granted in the Lease and to judge of their validity. I will quote the following extract from the

Lease before going further:

"The present lease being now"
"for the period of 5 years at the"
"expiration of which the party"
"of the first part can renew it"
"and to continue renewing it"
"as he may desire remaining"
"in quiet and undisturbed possession"
"of the said land, as long as the"
"rent is paid as stated in the"
"Lease."

The intention of the makers of the lease is here clearly pronounced and scarcely requires a comment, the only question which in my opinion could arise as to the renewal would be whether or not the parties could exceed the term of five years, stipulated in the original lease. The first part of the above quotation mentions the term five (5) years, as being a stipulation for the original lease, leaving the question of time after the expiration of five (5) years, open for future contract.

The last clause of the same contract gives the holder a right to hold the land so long

as

as the rent is paid according to the terms of the lease. That this clause should debar the Lessee from any subsequent right to modify the rent is not be supposed, on the contrary it would appear that the clause was inserted with a view to prevent an increase in the rate of rent, which otherwise might reasonably so far as the original lease is concerned have been required. Establishing the right to make a new lease, as this clearly does if the original indenture has any validity I shall only add that the proposition to reduce the rent came from lessor, that the amount is not in my opinion less than should be asked, that the lessor stands ready to conclude the bargain according to the new lease, but avers that he is prevented from doing so by the Kobe Local Authorities who refuse to recognize the transaction unless the clause of Water frontage is struck out. By what right they exercise this authority I am unable to learn. This leads naturally to the question of water frontage which I will explain as far as possible below.

Water Frontage.

How it affects the property of the C.P.J. Trading Co.

In 1868 and until the Typhoon of July 1871, there was a road 18 feet wide fronting the C.P.J. Trading Co's property. Beyond this road was a narrow strip of land used by the Company for hauling up boats and for similar purposes; beyond this piece of land was the water to the edge of which the C.P.J. Trading Co. had a right by virtue of the lease made in favor of H. M. Robinet and duly transferred to them. This right so far as I can learn was not disputed until after the disastrous Typhoon of July 1871 by which many persons, particularly in that part of the native town fronting the bay suffered severely. It was concluded by the Native officials to build a bund wall along the native front similar to that placed by Treaty to the front of the Foreign Concession. As no apparent injury could be done the C.P.J. Trading Co, on the contrary a benefit no objection was made on their part to this project, their boats and other property was removed from the strip of land previously mentioned and every facility given

given the Government Authorities to complete the enterprise. After the wall had been erected the space between it and the road fronting the C. J. Trading Co's store including the strip of land mentioned previously was filled in and graded to a level with the street creating a new piece of property about eighty (80) feet wide. — Subsequently it was concluded to appropriate sixty (60) feet of this new land measuring from the Bund or Sea Wall, for the purpose of a public thoroughfare. Considering that no injury could be done their property, on the contrary a benefit, no objection was made to this improvement. The space between the new road and the old ~~road~~ used by the C. J. Trading Co. for some time without molestation or interruption until the Authorities conceived the idea of building a Godown or storehouse upon the spot, notice was sent the Company to vacate, stating the reasons. A remonstrance was made by the Company at the time and later by Mr. Vice Consul Frank then in charge of our Interests here. The Authorities could not or would not see that in view of the

water frontage clause contained in the Company's lease, no buildings could be placed upon or other use made of this strip of land by anyone. However, the question was dropped for some time, after which attempts were again made to occupy. This time they were warned against such a step and thus the question stood when I took charge of our Interests in June 1872.

My authority for the above statement was Mr. Vice Consul Frank, who gave me these details in a general review of the situation of Our Interests up to the time of my taking charge. I had scarcely entered upon my duties before the question was again brought up and preperations for building commenced.

Having examined the C.J. Trading Co's lease and satisfied myself that the property could not be built upon, I remonstrated with the Authorities and warned them not to proceed unless they were prepared to grant damages to the C.J. Trading Co. for any injury that might be done their property. I then wrote to Mr. Shepard then Acting Chargé de Affaires, asking instructions upon the water

frontage

frontage question, referring to a dispatch previously sent to the Legation by Mr. Vice Consul Frank.

Receiving no reply I was constrained to wait and watch further developements. Nothing farther has been done towards occupying the property by the Authorities but the C. of J. Trading Co. and other persons were continually annoyed upon every opportunity where a water frontage question could arise. Notices were given that steps leading to the water would be removed on certain days, a free access to property from the water refused, and all articles leaving the land whether Ships stores to be delivered on board vessels, or property to be transported from one part of the harbor to another was required to be taken to the Natobas for inspection by Government Customs officers. I notified the Authorities that the Treaty stipulations of 1860, provided that Ships stores should not be subject to permits from the Custom House and could not be subjected to an examination by its officers, remarking that the Custom House Tide waiters on board all vessels in

the Harbor had an opportunity to examine all articles taken on board and should report to the Custom House authorities any attempt to smuggle; until such report was made they could have no right to detain or interfere with the free passage of ships stores to and from the shore.

In September 1872 the Vice Governor went to Sakai for the purpose of settling this and other matters relating to the Kew, pending a settlement no very forcible efforts have been made either to get possession of the C.J. Trading Co's property or very seriously to annoy the Comperadores. It is well to remark that this same trouble had occupied the attention of my predecessor at intervals since the construction of the Sea wall and that he had exhausted every source of a quiet solution of the subject before asking instructions from the Legation as per his letter N° 152 dated August 31st 1871.

Bureau of Claims
July 15th 1873

Subject

Question as to Water frontage covenant in certain leases held by American citizens for "lots" in Kobe

Mr De Long's no 284 of Sept 29th 1872
and " 407 of May 26th 1873

In his no 284 of Sept 29th 1872 Mr De Long brought this subject to the notice of the Department. A report on that dispatch from this Bureau (Feb 24th 1873) which is herewith submitted suggested the instruction sent on the 8th of March 1873 (No 180) calling for more explicit information accompanied with copies of contracts on

Mr De Long's dispatch no 407 now under consideration furnishes the desired information and transmits copies of two leases or contracts

These contracts differ in character one being a leasehold interest strictly and the other although in the ordinary phraseology of a lease being in fact a conveyance of the fee so far as such title can be made under the laws of Japan

I give the substance of the contracts so far as they affect the present question

No 1. Lease from two japanese subjects as owners of the land to W. M. Robinet an American citizen of a certain piece of ground describing it for five years from the 4th of July 1868, at a specified rent payable quarterly in advance with the privilege of renewal reserved to the Lessee so long as he shall continue to pay the rent promptly "together with the full "right to the water frontage to the "water mark along the beach as far "as the above mentioned land extends."

On the 25th of August 1869 Mr. Robinet sold and assigned his interest in the above contract to John Fogg Twombley in trust for the "China & Japan Trading Co." The assignment was made with the consent of the Lessors. both the contract and assignment are recorded in the U.S. Consulate all the prescribed forms are complied with. the assignee was let into possession and is the party complaining

No 2. This is a contract made the 8th of May 1868. "between the Japanese Government Office at Kobe represented by Sir Shimada Esq. superintendent of Kobe party of the first part, and Paul Frank and L D Carrol American citizens of the 2d part, conveys a certain tract of land at a fixed rent payable quarterly, with a similar "water front" privilege to that contained in contract no 1, with the further covenant that the lessees may erect on the said land such "kind of buildings or buildings as they may think proper and that they the said Frank and Carrol their heirs executors administrators or assigns shall be in quiet and undisturbed possession of the said lands as long as the rent is paid promptly as stated in the lease."

The privileges secured by the "water front" covenant were enjoyed and used by the lessees without molestation for several years. After the disastrous fire of 1871. The authorities concluded to build a "Bund or sea-wall

to protect the shore in this way done, and the space between the Bund and the former high water mark filled up creating a platform of new land some 80 feet in width between the boundary of these land lots and the Bund upon this a road was constructed (there had before the erection of the bund been a narrow road or causeway) all of which was agreeable to the Lessees and did not interfere materially with their enjoyment of the Easement provided for by the contract Now however the Government or local authorities propose to erect warehouses on this new made land, shutting the Lessees out from the water front privilege. They deny the right of the Lessors in either case to grant such a privilege forbid them to continue the lease with the C & J trading Co. This is the cause of complaint nothing has as yet been really done, but the Lessees are in anticipation, as they assume nothing [illegible]

Conclusion

The appropriation of this ground by the public authority for the purpose indicated would in my opinion be a clear violation of the rights of the parties complaining under the contracts & laws cited and would also be in contravention of the III article of the Treaty of 1858. It is a familiar principle that "every grant carries with it by implication all that is necessary to the enjoyment of what is granted."

Conceding the Government's right of Eminent Domain, to appropriate this land for a highway, their right to take and use it for speculative or building purposes does not follow. The facts as stated in this case would in the courts of the United States form good grounds for an injunction even against the agents of the Government.

A clause in the III article of the Treaty referred to, 1858, provides as follows viz. "The place within the "American shall occupy for their "buildings and the harbor regulations "shall be arranged by the American

"consul and the authorities of each
place and if they cannot agree
the matter shall be referred to the
American Diplomatic Agent
and the Japanese Government

The advice given to the parties
by Mr. De Long through Consul
Farmer is to hold on to their
possession and be ready to pay
their rent promptly, seems to be
all that can be done now until
some aggressive step is taken by
the authorities.

It might perhaps
avoid more serious trouble if
the Minister were instructed to
bring the matter to the attention
of the Japanese Government before it becomes
further complicated.

It is not stated whether or
not the China & Japan Trading Co
is an American Concern, or Company
in whole or in part of citizens of
the United States. My recollection
in connection with another case is
that John Fogg Fearnley is a British
subject. The Co. being assignee of
Robert a U.S citizen, would not give
rise thereto a claim on the Govt. Henry B.

Bureau of claims
February 24 - 1873

Subject

Mr. De Long's No 284 September 29th 1872; in relation to Leases of water front lots in Hiogo, by American residents

Enclosures

1 Consul Farnum to Mr. De Long
2 Mr. DeLongs instructions to Farnum

The substance of the two dispatches - Farnum to De Long & De Long to Department is this viz.

Certain American residents at Hiogo, purchased lease hold interests in lots fronting on the Bay or beach at Hiogo and the foreign settlement of Kobe the open water front lying, as is alleged a chief inducement to the purchase, whether the purchases were made from the Government authorities local or national or from Japanese citizens is not clearly shown

The Government subsequently constructed a "Sea wall" and

name Hapton to use the same ground thus made for building purposes, this being directly in front of the American lots in question. The erection of buildings on the same ground will shut out the Lease holders from all the privilege of the water frontage. No copy of these leases or contracts is forwarded, and without seeing the contract, no opinion can be given intelligently, I cannot find any copy of one of these leases among back dispatches from Hayti.

Mr De Long instructs the consul to advise the Lessees to enter in and maintain their possessions, refuse to pay rent and this bring the controversy to a judicial issue, and in the mean time should the Government authorities undertake to eject the Lease-holders, that the consul shall inform the Legation, in order that the matter be laid before the Department. — I think the Department before giving any instruction should be furnished with copies

of the contracts under which the complaining parties hold & the stipulations in the several leases are precisely similar one copy will suffice, but if the stipulations differ in the leases then copies of each should be sent.

With a copy of the contract and the II article of the Treaty of 1858, Mr De Long should be able to decide sufficiently to determine his action until he could receive instructions Mr. Turner's statement of the matter is not at all explicit

Respectfully submitted

Henry O'Connor